

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 9th July 1960 :—

Issue No.	No. and date	Issued by	Subject
128	S.O. 1661, dated 2nd July, 1960.	Election Commission, India	Amendment to S. O. 2149 dated 26th September, 1959.
129	S. O. 1662, dated 2nd July, 1960.	Ministry of Commerce and Industry	The Woollen Yarn (Price Control) Order, 1960.
130	S. O. 1663, dated 2nd July, 1960.	Ministry of Information and Broadcasting.	Approval of films specified therein.
131	S. O. 1709, dated 6th July, 1960.	Ministry of Steel, Mines and Fuel.	Fixation of price at which middlings produced by the National Coal Development Corporation Ltd., at the Bokaro-Kargali Washery—details specified therein.
132	S. O. 1710 dated 7th July 1960.	Ministry of Labour and Employment.	Exempting the person responsible for payment of wages to persons employed upon any railway from the operation of section 5 of the Payment of Wages Act, 1936.
133	S. O. 1711, dated 8th July, 1960.	Ministry of Home Affairs	Prohibiting Strikes in certain essential services specified therein.
134	S. O. 1712, dated 9th July, 1960.	Do.	Declaration of certain services connected with distribution of foodstuffs etc. as essential services.
	S.O. 1713, dated 9th July, 1960.	Do.	Prohibiting strikes in any service connected with the keeping, storage, movement, issue or distribution of foodstuffs.

Issue No.	No. and date	Issued by	Subject
	S.O. 1714, dated 9th July, 1960.	Ministry of Home Affairs	Declaration of certain services connected with distribution of electric or water supply or of sewage system as essential services.
	S.O. 1715, dated 9th July, 1960.	Do.	Prohibiting Strikes in any of the essential services mentioned in S.O. 1714 above.
135	S.O. 1716, dated 9th July, 1960.	Ministry of External Affairs	The Essential Services Maintenance (Application to the State of Pondicherry) Order, 1960.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi-11, the 4th July 1960

S.O. 1725.—In exercise of the powers conferred by Sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Madhya Pradesh, hereby nominates Shri M. S. Chaudhary, I.A.S., as the Chief Electoral Officer for the State of Madhya Pradesh with effect from the forenoon of the 25th June, 1960 vice Shri S. M. N. Raina.

[No. 154/6/60.]

S. C. ROY, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-11, the 6th July 1960

S.O. 1726.—In pursuance of sub-rule (2) of rule II, clause (b) of sub-rule (2) of rule (14) and sub-rule (1), of rule 23 of the Central Civil Services (Classification, Control & Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 628 dated the 28th February, 1957, namely:—

In the said Schedule—

(1) in Part II—

(a) for the heading "Indian Administrative Service Training School" and all the entries relating thereto, the following heading and entries shall be substituted, namely:—

"National Academy of Administration, Mussorie.

1	2	3	4	5
All posts.	Deputy Director (Administration)	Deputy Director (Administration)	All	Director"

(b) the heading "I.A.S. Staff College, Simla" and the entries relating thereto shall be omitted,

(2) in Part III—

(a) for the heading "Indian Administrative Service Training School" and all the entries relating thereto, the following heading and entries shall be substituted, namely:

"National Academy of Administration, Mussorie."

1	2	3	4	5
All posts.	Administrative Officer.	Administrative Officer.	All	Deputy Director (Administration)"

—(b) the heading "I.A.S. Staff College, Simla" and all the entries relating thereto shall be omitted.

[No. 15/4/60-VIG.]

T. C. A. RAMANUJACHARI, Dy. Secy.

New Delhi, the 11th July 1960

S.O. 1727.—In pursuance of sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President hereby directs that the Governor of Assam shall discharge the function of the Central Government under section 7 of the Explosive Substances Act, 1908 (6 of 1908) in the Naga Hills Tuensang Area, specified in Part B of the Table appended to paragraph 20 of the said Schedule, subject to the following conditions, namely:—

- (i) The Governor shall be subject to the like control of the President as was exercisable by him immediately before the coming into force of this notification.
- (ii) The Governor shall not issue instructions inconsistent with those of the Central Government without the consent of that Government.

[No. 33/7/60-P(IV)].

C. P. S. MENON, Dy. Secy.

CORRIGENDA

New Delhi, 11th July, 1960

S.O. 1728.—In the Government of India, Ministry of Home Affairs, Notification No. S.R.O. 2473, dated the 25th October, 1956, published in Part II, Section 3 of the Gazette of India, Extraordinary dated the 25th October, 1956—

1. Paragraph 35,—

(i) for the existing table, substitute the following:—

Sl. No.	Name of Revenue Thana	Name of Police Station.	Number of Villages	Area (in square miles) as per Bihar records.	Population (1951 Census)
1.	Islampur	Thakurganj	12	336.40	14,357
		Chopra	124		52,858
		Islampur	120		57,317
2.	Kishanganj	Kishanganj	286	246.79	63,743
		Goal Pokhar.	94		35,226
3.	Gopalpur	Karandighi	270	149.69	47,165
		TOTAL	906	732.88	270,666

(ii) in the paragraph below the table—

line 1—for figures “759”, substitute figures “732.88” ;
 line 2—for figures “913”, substitute figures “906” ; and
 line 3—for figures “277, 288”, substitute figures “270, 666”.

2. *Appendix I*,—

(i) *omit* Serial No. 14 ;

(ii) *after* Serial No. 28, *insert* the following :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)
“28-A	Daulatpur	Gopalpur	30” ;

(iii) *against* Serial No. 88 in last column, *for* figures “385”, *read* “387” ;

Appendix II,—

(i) *after* Serial No. 9, *insert* the following :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)
“9-A	Rampur (southern portion)	Gopalpur	295” ;

(ii) *after* Serial No. 48, *insert* the following :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)
“48-A	Malopara	Amaur	391
“48-B	Patalwar	„	390
“48-C	Malhana	„	389” ;

(iii) *for* figures “298/2” in the second line of the note under Serial No. 99, *read* “298/1” ;

(iv) *omit* Serial No. 107 ;

(v) *for* the figures “2362/1” in the last column *against* Serial No. 109, *read* “236/1”.

[No. F. 39/4/57-SR(R).]

V. VISWANATHAN, Special Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 7th July 1960

S.O. 1729.—In pursuance of Sub-Section (2) of Section 7 of the Port Haj Committees Act, 1932 (XX of 1932), the Central Government is pleased to nominate Dr. A. N. Sinha, Port Health Officer, Bombay, as a member of the Port Haj Committee, Bombay *vice* Shri N. S. S. Narayanan.

[No. F. 29-A(3)-WANA/60.]

P. N. KAUL, Dy. Secy.

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 1st July 1960*

S.O. 1730.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendments in the Civil Service Regulations, namely:—

1. These regulations may be called the Civil Service (Amendment) Regulations, 1960

2. In the Civil Service Regulations,—

in Article 920,—

after clause (2) the following clause shall be inserted namely:—

“3. When a Government servant has retired from service, if he was a Gazetted Officer a notification in the Gazette or if he was a non-Gazetted Officer an order, shall be issued specifying the actual date of retirement within a week of such date, and a copy of every such order shall be forwarded to the Audit Officers immediately”.

[No. F. 25(22)-EV/60.]

D. D. BHATIA, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 8th July 1960

S.O. 1731.—Statement of the Affairs of the Reserve Bank of India, as on the 1st July, 1960

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	30,54,49,000
Reserve Fund	80,00,00,000	Rupee Coin	4,14,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	4,27,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted:—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government	54,67,10,000	(c) Government Treasury Bills	3,68,54,000
(2) Other Governments	20,79,21,000	Balances held abroad*	13,59,04,000
(b) Banks	115,44,60,000	Loans and Advances to Governments**	31,92,22,000
(c) Others	133,05,82,000	Other Loans and Advances †	120,05,86,000
Bills Payable	21,82,29,000	Investments	257,10,17,000
Other Liabilities	9,44,89,000	Other Assets	18,25,18,000
	RUPES		RUPES
	485,23,91,000		485,23,91,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

† The item 'Other Loans and Advances' includes Rs. 13,09,90,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 6th day of July, 1960.

A1 Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 1st day of July, 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department .	30,54,49,000		A. Gold Coin and Bullion:—		
Notes in circulation	1834,52,00,000		(a) Held in India	117,76,03,000	
Total Notes issued		1865,06,49,000	(b) Held outside India . . . . .	..
			Foreign Securities	143,00,89,000	
			TOTAL OF A		260,76,92,000
			B. Rupee Coin		127,89,71,000
			Government of India Rupee Securities		1476,39,86,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES		1865,06,49,000	TOTAL ASSETS		1865,06,49,000

Dated the 6th day of July, 1960.

M. V. RANGACHARI.
Deputy Governor

[No. F. 3(2)-BC.60.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 16th July 1960

S.O. 1732.—In exercise of the powers conferred by section 24 of the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (56 of 1959), the President hereby directs that the following modifications shall be made in the Union Duties of Excise (Distribution) Act, 1957 (55 of 1957), the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957 (57 of 1957), the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and the Constitution (Distribution of Revenues) No. 2 Order, 1957, namely:

1. In the Table below section 3 of the Union Duties of Excise (Distribution) Act, 1957, for the figures "9.38" against Andhra Pradesh, the figures "9.33" shall be substituted and for the figures "7.56" against Madras, the figures "7.61" shall be substituted;

2. In the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957,—

(i) In clause (b) of sub-section (2) of section 3, for the figures "8.76" against Andhra Pradesh, the figures "8.72" shall be substituted and for the figures "8.40" against Madras, the figures "8.44" shall be substituted; and

(ii) in section 5, for the figures "8.86" against Andhra Pradesh, the figures "8.81" shall be substituted and for the figures "6.46" against Madras, the figures "6.51" shall be substituted;

3. In the Second Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957—

(a) in the Table below paragraph 3, for the items "Andhra Pradesh" and "Madras" and the entries relating thereto, the following items and entries shall respectively be substituted, namely:—

1	2	3	4
(Rupees in Lakhs)			
"Andhra Pradesh	9.33	40	6.62
Madras	7.61	60	7.46"

(b) in the Table below paragraph 4, for the items "Andhra Pradesh" and "Madras" and the entries relating thereto, the following items and entries shall respectively be substituted, namely:

1	2	3	4
(Rupees in Lakhs)			
"Andhra Pradesh	9.33	75	10.42
Madras	7.61	57	9.58"

(c) in the Table below paragraph 7, for the items "Andhra Pradesh" and "Madras" and the entries relating thereto, the following items and entries shall respectively be substituted, namely:—

1	2	3
(Rupees in Lakhs)		
"Andhra Pradesh	120	7.35
Madras	168	7.29"

4. In paragraph 3 of the Constitution (Distribution of Revenues) No. 2 Order, 1957, for the figures "8-12" against Andhra Pradesh, the figures "8-08" shall be substituted and for the figures "8-40" against Madras, the figures "8-44" shall be substituted.

[No. 14(6)-B/60.]

SHIV NAUBH SINGH, Jt. Secy.

CENTRAL BOARD OF REVENUE

ESTATE DUTY

New Delhi, the 8th July 1960

S.O. 1733.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 33 dated the 23rd June 1956, the Central Board of Revenue hereby directs that subject to pecuniary limits specified in the notification of Central Board of Revenue No. 11-E.D./F. No. 21/52/57-ED dated the 5th September 1957 as amended by its notification No. 8/F. 12/1/59-ED dated the 1st April 1959 every income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Allahabad and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax circle the headquarters of which lies within the Revenue Districts of Allahabad, Varanasi, Mirzapur, Faizabad, Gonda, Gorakhpur and Azamgarh.

2. This notification shall come into force from the 1st July, 1960.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary because of the decision to shift the headquarters of the Estate Duty-cum-Income-tax Circle, Varanasi to Allahabad.

[No. 18/F. No. 21/52/60-E.D.]

S.O. 1734.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendment in its notification No. 20/F. No. 34/3/57-E.D., dated the 25th January, 1958 which was published under S.R.O. 372 in Part II, Section 3 of the Gazette of India, dated the 1st February, 1958, namely:—

In the said notification for the words "Estate Duty-cum-Income-tax Circles Kanpur, Lucknow, Meerut and Varanasi", the words "Estate Duty-cum-Income-tax Circles, Kanpur, Lucknow, Meerut and Allahabad" shall be substituted.

2. This notification shall come into force from the 1st July, 1960.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary because of the decision to shift the headquarters of the Estate Duty-cum-Income-tax Circle, Varanasi to Allahabad.

[No. 19/F. No. 21/52/60-E.D.]

M. B. PALEKAR, Secy.

THE MYSORE CENTRAL EXCISE COLLECTORATE*Bangalore, the 14th June 1960*

CORRIGENDUM TO NOTIFICATION No. 10/60, DATED 7-6-60.

S.O. 1735.—In the Powerloom Disposition Chart (Form A) appended to the above Notification for the abbreviation "A.S.F." wherever it occurs please read "A.S."

[No. IV(16)128/60 Bl.]

A. K. RAGHAVENDRA RAU,

for Collector.

COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL

CENTRAL EXCISE

Calcutta, the 18th June 1960

S.O. 1736.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, the undersigned hereby makes the following amendments to this Collectorate Notification No. 1/60 dated 1st April, 1960, namely:—

The figures "Rs. 1000/-" shall be substituted for the existing figures "Rs. 500/-" in Column 4 in respect of Rule 210A against the entry, "an officer not below the rank of a Superintendent" appearing at Serial No. 3 of the table subjoined to the said Notification.

[No. 4/1960.]

S.O. 1737.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, the undersigned hereby makes the following amendments to this Collectorate Notification No. 1/60 dated 1st April, 1960.—

The following shall be inserted in column 4 in respect of Rule 224(i) against the entry 'an officer not below the rank of a Superintendent' appearing at serial Number 3 of the table subjoined to the said notification, namely—

"At the end of each Calendar month a statement showing the applications for overtime work dealt with shall be furnished to the Collector".

[No. 5/1960.]

A. K. ROY, Collector.

THE PONDICHERRY CUSTOMS AND CENTRAL EXCISE COLLECTORATE

PUBLIC NOTICE

CENTRAL EXCISE

Pondicherry, the 23rd June 1960

SUBJECT:—Central Excise—Vegetable Non-Essential Oils—Compounded levy scheme—Revision of

S.O. 1738.—Attention is drawn to this Office Central Excise Public Notices Nos. 2/60 dated 24th February 1960 and 4/60 dated 17th March 1960.

2. The Government of India have since made certain changes and revised the Compounded Levy Scheme. The revised Scheme for Compounded Levy comes into force with effect from 1st July, 1960. The details of the new scheme have been published in the Gazette of India (Extraordinary) dated the 14th June, 1960.

3. The broad features of the new scheme are:

- (a) The compounded levy scheme will be applicable only to those units which employ one single chamber expeller (the size of which does not exceed 7" in diameter and 33" in length), or, those which employ not more than 12 ghanies or kohlus or chekkus or pintos or rotaries whether of Bengal type or any other type, or those which employ a combination of one expeller (the size of which does not exceed 5" in diameter and 27" in length) and not more than 2 kohlus etc. of any

type. All other units will be out of the purview of the scheme; that is to say, if a unit has either an expeller, having more than one chamber, or, the size of the expeller exceeds the dimensions prescribed in the second Notification, or, has more than 12 kohlus, rotaries, etc., of one type or the other, or has a combination of an expeller and rotaries etc. in which either the size of the expeller or the number of rotaries etc. exceeds that which has been prescribed in that Notification, then such a unit will not be eligible to opt for compounded levy scheme;

- (b) The present distinction between a rotary and a ghani/kohlu/chekku/pinto has been done away with; instead, the distinction has been made between these equipments of Bengal type (namely an equipment which has a wooden bowl in a cast iron mortar or a wholly wooden mortar), and the equipments of any type other than Bengal type, separate rates of duty having been specified for the two types of equipments;
- (c) Special monthly rates have been prescribed for units employing only kohlus/chekkus/pintos/ghanis/rotaries not exceeding two in number. These rates are lower than the monthly incidence of duty applicable to the units employing more than two such equipments, and there is no restriction about the number of working hours in the month in respect of such units;
- (d) Under the existing compounded levy scheme, manufacturers of V.N.E. Oils have to pay the compounded rates for a minimum of 48 hours-working in a week. It has now been decided that those manufacturers who do not work their factory for producing oil for more than 3 or 4 hours a day, they may now pay reduced compounded rates by electing to work for a period of 24 hours-working in a week;
- (e) Since the recovery of oil from copra is much more than the oil recovered from other seeds, it has been decided that equipments which are employed for the extraction of coconut oil should pay 50 per cent. more than the normal rates prescribed;
- (f) A manufacturer is eligible to work for different number of working hours in different weeks, e.g. 48 hours in first week, 96 hours in second week and again 48 hours in third week, and so on, provided he gives two days advance notice of the change;
- (g) A manufacturer working under the scheme has the option of working non-stop for three to four days in a week or for staggering hours on all days of the week. The essential condition, however, is that the total number of hours worked during a week should not exceed the number of hours declared in the A.R. 7 application and that the manner in which the factory is to be worked during each day of the week i.e. whether non-stop for 3 or 4 days or whether for staggering hours the fact should be made known in the A.R. 7 application so as to enable the Central Excise officers to know the exact timings during which the factory will be working;
- (h) For each day of the remaining 2/3 days of the calendar month, a manufacturer may be permitted to work for such number of hours as is not in excess of 1/6th of the number of hours worked during the fourth week. In the case of manufacturer who works for more than 96 hours during the fourth week, no restriction regarding hours of work need be imposed during the remaining 2/3 days of the month;
- (i) A manufacturer working under the Compounded levy scheme may revert to the normal procedure on giving 2 days notice to the proper officer. Such manufacturer should, before switching over again to the compounded levy scheme give atleast 2 days' notice to the proper officer and should deposit the fees etc.;
- (j) A manufacturer will be permitted to arrange his manufacturing programmes in such a way as to manufacture dutiable oils during specific week(s) and the exempted varieties of oils only during other specific week(s) of a month provided he gives an advance notice to the Collector that in the next week he would produce only exempted varieties of oils;
- (k) In the case of sudden breakdown of machinery, failure of power supply, or similar other factors over which the manufacturer has no control,

there is no objection to the hours of working thus lost being made good during the same week, subject to the condition that immediate intimation about the loss of hours is given to the Central Excise Officer;

- (l) A manufacturer may opt for the compounded levy scheme anytime during the financial year. However once a manufacturer opts for the compounded levy scheme and he reverts to the normal procedure the same financial year, then, he will not be the same eligible to the the same financial year, then, he will not be eligible to the concessional rate of duty at Rs. 70/- per ton upto 75 tons in the same financial year;
- (m) A manufacturer who submits his application in A.R. 7 monthly will be allowed to change the number of the working hours, either upwards or downwards, after giving two days advance notice. The question of such change will not arise in the case of those manufacturers who submit their applications in Form A.R. 7 weekly;
- (n) A manufacturer will be permitted to deposit the duty payable for the whole month in one or two instalments instead of remitting it weekly if so desired by him;
- (o) The application in Form A.R. 7 should be presented in quadruplicate to the Central Excise Officer concerned, who will complete the assessment memorandum on all the copies and enter the head of account to which the money should be credited and will return them to the applicant. The applicant will present them to the treasury officer when paying duty will return the duplicate and triplicate to the applicant and send the quadruplicate to the Chief Accounts Officer retaining the original for his own use. The applicant should then present the duplicate and the triplicate to the Central Excise Officer, who, after verification return the triplicate to the applicant.

4. Fragmentation of V.N.E. Oils units affecting the incidence of Central Excise duty is not permitted.

5. As a precaution against deliberate fragmentation provision has also been made that all units, otherwise qualified for these compounded rates, which apply for manufacturer's licences as required under the Central Excise Rules after 1st July 1960, will be required to pay 25 per cent more over the applicable compounded rates as now prescribed, unless and until the applicant can satisfy the Collector of Central Excise concerned that the factory so set up, is totally unconnected with a unit existing on 1st July 1960.

6. Any other working details of the procedure may be had by contacting the Central Excise Officers concerned.

[No. 5/60.]

[File No. CVI(Y)/21/6/60.]

A. J. B. LOBO, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE: DELHI

ADDENDUM

New Delhi, the 6th July 1960

S.O. 1739.—In this Collectorate Public Notice Published under S.O. 1263 dated 21st May, 1960 in the Gazette of India, Part II, Section 3, Sub-Section (II), the following further additions shall be made.

- (i) In the heading to para 1(i) of the said Notice for the Words and figures "and (iv) sugar" the Words and figures "(iv) Woollen fabrics. (v) Sugar and (vi) Electric bulbs" shall be substituted.

- (ii) for the heading of the procedure prescribed under item (6) of the said Notice the following shall be substituted:—

"Electric batteries, Electric fans and Electric bulbs, brought into the factory for repair, reconditioning etc."

[C. No. VI(16) 64/57/32221.]

K. NARASIMHAN, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

ORDERS

New Delhi, the 7th July 1960

S.O. 1740 IDRA/6/1.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture and production of Bicycles, Sewing Machines and Instruments, on the expiry of the term of office of the members appointed under the Government of India, Ministry of Commerce and Industry's Order No. SRO. 966/IDRA/6/1, dated the 22nd May, 1958, as amended from time to time, namely:—

S. No.	Name and address of the member	Interest Represented	Chairman
			Member
1	Shri B. A. Forsyth, Director, T.I. Cycles of India Ltd., Ambattur, Madras.	"Technical knowledge"	Chairman
2	Shri M. G. Vohra, M/s Hind Cycles Ltd., 250, Worli, Bombay.		
3	Shri Bishambar Das Kapur, General Manager, Atlas Cycle Industries Ltd. Sonapat.	"Owners"	Member
4	Shri Harbans Singh, Secretary, Ludhiana Cycle Manufacturers Association, Ludhiana.	Do.	Do.
5	Shri T. R. Gupta, General Manager, Works, Jay Engineering Works Ltd., P. B. No. 2158, Calcutta.	Do.	Do.
6	Shri Lajput Rai, Proprietor, M/s. Rita Mechanical Works, Ludhiana.	Do.	Do.
7	Dr. G. R. Toshniwal, Toshniwal Bros. (P) Ltd., "Rival", Kacheri Road, Ajmer	Do.	Do.
8	Shri L. M. De, Works Manager, National Instruments (P) Ltd., 15, Wood Street, Calcutta—16.	Do.	Do.
9	Shri Y. A. Fazalbhoy, General Radio & Appliances (P) Ltd., 8, New Queens Road, Bombay—4.	Do.	Do.
10	Shri M. Syed Fakruddin, Rapid Industries, Rapid Nagar, Kovar Post, Madras.	Do.	Do.
11	Shri P. N. Varma, The British Machinery Supplies Company, Nai Sarak, Delhi.	Do.	Do.
12	Shri Abhijit Sen, Chairman, Sen Raleigh Industries of India Limited, Mercantile Buildings, Lall Bazar, Calcutta.	Do.	Do.
13	Shri K. G. Unnithan, Kerala Government, Cycle Rim Factory, Trivandrum.	Do.	Do.
14	Shri Gurbaksh Singh Bhasin, Cycle Industries, Gaziabad (U.P.).	Do.	Do.
15	Shri K. N. Sahay, Managing Director, M/s. Hindustan Vehicles Ltd., 11, Clive Row, Calcutta—1.	Do.	Do.
16	Shri Lakshman Prakash, Proprietor, National Emporium, Roorkee (U.P.).	Do.	Do.
17	Dr. K. N. Mathur, Director, Central Scientific Instruments Organisation, National Physical Laboratory, Hill Side Road, New Delhi—12.	"Technical knowledge"	Do.
18	Shri B. S. Sindhu, Technical Adviser, James Finlay & Co. Ltd., Hamilton Building, Connaught Place, New Delhi.		
19	Shri R. C. Shah, Director C/o Kusumgar (Overseas) Limited, 503, Kalbadevi Road, Bombay.	Do.	Do.
20	Shri G. N. Murthy, Standard Dresses, T. Nagar, Madras—17.	"Consumers"	Do.
21	Shri Niranjan Dihder, General Secretary, Sen Raleigh Employees Union, Dhadka Road, Asansol, W. Bengal.	Do.	Do.
22	Shri Gopeshwar, General Secretary, Asansol Iron & Steel Workers Union, Bari Manzal, Burnpur, Dist. Burdwan (W. Bengal).	"Persons employed in industrial undertakings"	Do.
		Do.	Do.

New Delhi, the 12th July 1960

S.O. 1741/IDRA/6/12.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be the members of Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry No. S.O. 482/IDRA/6/12 dated the 18th February, 1960, for the scheduled industries engaged in the manufacture or production of textiles made of wool, including woollen yarn, hosiery, carpets and druggets and directs that the following amendment shall be made in the said Order, namely:—

(a) In paragraph 1 of the said Order, after entry No. 5 relating to Shri T. N. Khaitan, the following entries shall be inserted, namely:—

- | | | |
|--|---------|----------|
| "5A. Shri U. N. Pathak, Director, M/s. E. Hill & Co. Ltd., Mirzapur. | "Owner" | "Member" |
| "5B. Shri K. P. Goenka, C/O Duncan Bros. & Co., Box No. 189, G.P.O. 1, Calcutta. | "Owner" | "Member" |
| "5C. Shri S. N. Puri, M/s. Arthur Import & Export Co., P.B. No. 1467, Bombay. | "Owner" | "Member" |

(b) In paragraph 1 of the said Order after entry No. 13 relating to Shri N. P. Chatterjee, I.A.S., the following entries shall be inserted, namely:—

- | | | |
|---|-----------------------|----------|
| "13A. Additional Secretary, Indian Council of Agricultural Research, New Delhi. | "Technical Knowledge" | "Member" |
| "13B. Prof. G. M. Nabar, Director, Department of Chemical Technology, University of Bombay, Bombay. | "Technical Knowledge" | "Member" |

(c) In paragraph 1 of the said Order after entry No. 16 relating to E.B. Whitley Esq., the following entries shall be inserted, namely:—

- | | | |
|--|-------------|----------|
| "16A. Shri Kewal Krishan Adya, President, Hosiery Industry Federation, Ludhiana. | "Consumers" | "Member" |
| "16B. Shri Satish Chander Mahajan, The Union Textiles, Lawrence Road, Amritsar. | "Consumers" | "Member" |

[No. 4(31)/IA(IV)/59.]

D. HEJMADI, Dy. Secy.

(Indian Standards Institution)

New Delhi, the 1st July 1960

S. O. 1742.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th June to 30th June 1960.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard.	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:202—1960 Specification for Aluminium-Alloy Ingots and Castings for Aircraft Purposes (<i>Revised</i>).	IS:202-1950 Specification for Aluminium-Alloy Ingots and Castings for Aircraft Purposes.	This standard covers the requirements of eight aluminium-base alloys, in ingot form for remelting for the manufacture of castings, and aluminium-base alloy castings for aircraft purposes (Price Rs. 2.50).

(1)	(2)	(3)	(4)
2	IS:1191—1959 Glossary of Terms Used in Measurement of Flow of Water in Open Channels	...	This glossary deals with the definitions of terms used in the measurement of flow of water in open channels (Price Rs. 3.50).
3	IS:1192—1959 Velocity-Area Methods for Measurement of Flow of Water in Open Channels	..	This standard deals with measurement of flow of water in open channels by measuring the velocity of water and the area of cross-section of the channel. This does not apply with the same degree of accuracy to waterways subject to tidal influence, pulsating flow and rapidly varying stage discharges (Price Rs. 5.00).
4	IS:1193—1959 Methods for Measurement of Flow of Water in Open Channels Using Notch Weirs, and Flumes	....	This standard deals with the measurement of flow of water through open channels using notches, weirs and flumes (Price Rs. 2.00).
5	IS:1350—1959 Methods of Test for Coal and Coke . Proximate Analysis, Total Sulphur and Calorific Value	....	This standard prescribes the methods of test for coal and coke relating to (a) proximate analysis including determination of moisture under different conditions, (b) determination of sulphur, and (c) determination of calorific value (Price Rs. 7.50)
6	IS:1353—1959 Methods of Test for Coal Carbonization Caking Index, Swelling Properties and Gray-King Assay (L.T.) Coke Types	....	This standard prescribes the methods of test for coal carbonization, namely agglutinating or caking index, swelling properties and Gray-King low temperature (L.T.) assay coke types (Price Rs. 4.50).
7	IS:1355—1959 Methods of Test for Ash of Coal and Coke	...	This standard prescribes the methods of test for the analysis of ash of coal and coke and the determination of fusion range of ash. The standard contains definitions of terms and methods of preparation of ash (Price Rs. 6.50).
8	IS:1438—1960 Specification for Crane Weighing Machines	....	This standard covers the requirements for crane weighing machines (Price Rs. 1.50).
9	IS:1442—1959 Specification for Covered Electrodes for the Metal Arc Welding of High Tensile Structural Steel	...	This standard lays down the requirements for covered electrodes of 2.5 mm (or 12 SWG) and thicker sizes for manual metal arc welding of high tensile steel of welding quality, conforming to IS: 961—1957 (Price Rs. 4.50).

(1)	(2)	(3)	(4)
10	IS: 1493—1959 Methods of Chemical Analysis of Iron Ores	....	This standard prescribes the methods of determination of moisture, silica, iron, alumina, titanium, manganese, calcium oxide, magnesium oxide, phosphorus, sulphur, ferrous oxide, vanadium and combined water. For export purposes, the determinations of lead, copper, zinc and arsenic are sometimes required. Methods for determination of these elements have also been included (Price Rs. 7.00).
11	IS: 1503—1960 Specification for Rectangular Solid wood Packing Cases	....	This standard covers the requirements of materials, grades, styles, internal dimensions and maximum weight of contents of rectangular solid wood packing cases for general Packing purposes for use within the country (Price Rs. 5.00).
12	IS: 1520—1960 Specification for Horizontal Centrifugal Pumps for Clear, Cold, Fresh Water	...	This standard covers the minimum requirements for horizontal centrifugal pumps for clear, cold, fresh water (Price Rs. 6.00).
13	IS: 1542—1960 Specification for Sand for Plaster	....	This standard relates to naturally occurring sands and crushed stone sands used in mortars for internal wall and ceiling plastering, and external plastering and renderings, using mixes of lime, cement, composite lime-cement or gypsum (with or without admixtures) and sand (Price Re. 1.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:2.]

S.O. 1743.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slip particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standard specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
I	IS: 1161—1958 Specification for steel Tubes for Structural Purposes.	S.O. 2725 dated 12 December, 1959	(i) In table IIIA, col 11, at pages 5, against 'Nominal Bore 50 mm, class 'Medium' please read '8.68' for '6.68'.

(1)	(2)	(3)	(4)
			(ii) In table IIIB, col 10, at page 6, against 'Nominal Bore 2 in.', class 'Light', please read '0.501' for '0.561'.
			(iii) In 'Note' at page 7, below Table IV, against 'Tube Designation ERW St 55', under col 'Yield Stress, Min' please read '25 kg/sq mm' and '16 tons sq. in.' for '23.5 kg/sq mm' and '15 tons sq in.'

Copies of this errata slip are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi—1 and also at its Branch Offices at (i) General Assurance Building, 232, Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) P—11 Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras—1.

[No. MD/13-6]

New Delhi, the 4th July 1960

S.O. 1744—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the Amendment	Brief particulars of the amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 560—1955 Specification for BHC, Technical.	S.R.O. 3670 dated 17 December 1955.	Amendment No. 2 June 1960.	Existing Appendix B has been deleted and substituted by a new Appendix.	16th July 1960.
2	IS : 705—1955 Specification for Dry Battery-operated community Radio Receivers (<i>Tentative</i>).	S.R.O. 1172 dated 4 June 1955.	Amendment No. 4 May 1960.	(i) A new sub-sub-clause 3.2.1.1 has been added after 3.2.1. (ii) In sub-sub-clause 5.3.2.1(b), existing last row (v) has been deleted and substituted by the following : (v) 3 900-4 000 kc/s (75 metre band) (vi) 3 200-3 400 kc/s (90 metre band) (vii) 2 300-2 495 kc/s (120 metre band) (iii) In sub-sub-clause 5.3.2.2, lines 4 and 5, substitute ' seven ' for ' five '	16th July 1960
3	IS : 706—1955 Specification for AC Mains—Operated Community Radio Receivers (<i>Tentative</i>).	S.R.O. 1172 dated 4 June 1955.	Amendment No. 4 May 1960.	(i) A new sub-sub-clause 3.2.1.1 has been added after 3.2.1 (ii) In sub-sub-clause 5.2.2.1(b), existing last row (v) has been deleted and substituted by the following : (v) 3 900-4 000 kc/s (75 metre band) (vi) 3 200-3 400 kc/s (90 metre band) (vii) 2 300-2 495 kc/s (120 metre band)	16th July 1960

4 IS : 1036—1957 Specification for 6-Volt Accumulator-Operated Community Radio Receivers. S.R.O. 2120 dated 29 June 1957. Amendment No. 2 June 1960.

(iii) In sub-sub-clause 5.2.2, lines 4 and 5, substitute 'seven' for 'five'.

(f) Last sentence of sub-clause 3.2.1 has been deleted. 16th July 1960

(ii) A new sub-sub-clause 3.2.1.1 has been added after 3.2.1

(iii) In sub-clause 5.2.2.(b), existing last row (v) has been deleted and substituted by the following :

(v) 3 900-4 000 kc/s (75 metre band)

(vi) 3 200-3 400 kc/s (90 metre band).

(vii) 2 300-2 495 kc/s (120 metre band).

(iv) In sub-sub-clause 5.2.2.1, lines 4 and 6, substitute 'seven' for 'five'

5 IS : 1309—1958 Specification for Endrin, Technical. S.O. 2401 dated 31 October 1959. Amendment No. 1 June 1960.

Existing appendix B has been deleted and substituted by a new appendix. 16th July 1960

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road Fort, Bombay-1, (ii) P-11 Mission Row Extension Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13 : 5.]

S.O. 1745.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards given in the Schedule hereto annexed have been established during the quarter ending 30 June 1960.

THE SCHEDULE

<i>Sl. No.</i>	<i>No. of Indian Standard</i>	<i>Title of Indian Standard</i>
1.	IS : 202—1960	Specification for Aluminium-Alloy Ingots and Castings for Aircraft Purposes (<i>Revised</i>).
2.	IS : 268—1959	Specification for Leclanche Type Sack Cells (<i>Revised</i>).
3.	IS : 293—1959	Code for Seaworthy Packaging of Cotton Cloth and Yarn (<i>Revised</i>).
4.	IS : 317—1959	Specification for General Service Automotive Hydraulic Brake Fluid (<i>Revised</i>).
5.	IS : 529—1959	Specification for Solid-Woven Impregnated Cotton Belting for Power Transmission (<i>Revised</i>).
6.	IS : 530—1959	Specification for Solid-Woven Impregnated Hair Belting for Power Transmission (<i>Revised</i>).
7.	IS : 556—1960	Specification for Leclanche Type Radio Batteries (<i>Revised</i>).
8.	IS : 586—1959	Specification for Leclanche Type Dry Batteries for Telecommunication, Signalling and General Purposes (<i>Revised</i>).
9.	IS : 784—1959	Specification for Prestressed Concrete Pipes.
10.	IS : 919—1959	Recommendations for limits and Fits for Engineering.
11.	IS : 933—1959	Specification for Portable Chemical Fire Extinguishers Foam type.
12.	IS : 946—1959	Specification for 3200—l/min (or 700—gal/min) Motor Fire Engine.
13.	IS : 948—1959	Specification for Water Tender, Type A, for Fire Brigade Use.
14.	IS : 949—1959	Specification for Emergency Tender for Fire Brigade Use.
15.	IS : 950—1959	Specification for Water Tender, Type B, for Fire Brigade Use.
16.	IS : 996—1959	Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
17.	IS : 1168—1959	Specification for Cube Sugar.
18.	IS : 1191—1959	Glossary of Terms Used in Measurement of Flow of Water in Open Channels.
19.	IS : 1192—1959	Velocity-Area Methods for Measurement of Flow of water in Open Channels.
20.	IS : 1193—1959	Methods for Measurement of Flow of Water in Open Channels Using Notches Weirs, and Flumes.
21.	IS : 1347—1959	Code for Inland Packaging of Cotton Cloth and Yarn.
22.	IS : 1350—1959	Methods of Test for Coal and Coke—Proximate Analysis, Total Sulphur and Calorific Value.
23.	IS : 1351—1959	Methods of Test for Coal and Coke—Ultimate Analysis.
24.	IS : 1352—1959	Methods of Test for Coal and Coke—Special Impurities.
25.	IS : 1353—1959	Methods of Test for Coal Carbonization—Caking Index, Swelling Properties and Gray-King Assay (L.T.) Coke Types.
26.	IS : 1354—1959	Methods of Test for Coke—Special Tests.
27.	IS : 1355—1959	Methods of Test for Ash of Coal and Coke.
28.	IS : 1373—1959	Specification for Tinned Mild Steel Milk Cans.
29.	IS : 1374—1959	Specification for Poultry Feeds.
30.	IS : 1392—1959	Specification for Glass Milk Bottles.
31.	IS : 1394—1959	Glossary of Terms Relating to Metal Containers Trade.
32.	IS : 1399—1959	Glossary of Terms Used in Optical Technology.
33.	IS : 1404—1959	Specification for Anti-Corrosive Paint, Brushing, for ships' Bottoms and Hulls, Red, Chocolate Or Black, as required.
34.	IS : 1408—1959	Recommended Procedure for Inspection of Copper-Base Alloy Sand Castings.
35.	IS : 1415—1959	Specification for Electric Hand-Lamps.
36.	IS : 1416—1959	Specification for Extra Low Voltage Transformers.

<i>Sl. No.</i>	<i>No. of Indian Standard</i>	<i>Title of Indian Standard</i>
37.	IS : 1422—1959 . . .	Specification for Cotton Duck, Secured, Dyed or Water-proofed.
38.	IS : 1423—1959 . . .	Specification for Cotton Gaberdine, Bleached.
39.	IS : 1424—1959 . . .	Specification for Cotton Canvas, Scoured, Dyed or Water-proofed.
40.	IS : 1425—1959 . . .	Specification for Rayon Crape.
41.	IS : 1426—1959 . . .	Specification for Rayon Half Crape Sari Cloth.
42.	IS : 1427—1959 . . .	Specification for Rayon Georgette.
43.	IS : 1428—1959 . . .	Specification for Rayon Voiles, Minons and Plain Chiffons.
44.	IS : 1429—1959 . . .	Specification for Rayon Half Crepe.
45.	IS : 1430—1959 . . .	Specification for Rayon Crinkle Georgette or Crinkle Chiffon.
46.	IS : 1431—1959 . . .	Specification for Cotton Mosquito Netting, Round Mesh, Dyed.
47.	IS : 1438—1960 . . .	Specification for Crane Weighing Machines.
48.	IS : 1441—1960 . . .	Specification for Insulator Stalks for Telegraph and Telephone Lines.
49.	IS : 1442—1959 . . .	Specification for Covered Electrodes for the Metal Arc Welding of High Tensile Structural Steel.
50.	IS : 1443—1959 . . .	Code of Practice or Laying and Finishing of Cement Concrete Flooring Tiles.
51.	IS : 1446—1959 . . .	Classification of Dangerous Goods.
52.	IS : 1452—1959 . . .	Specification for Rayon Taffeta.
53.	IS : 1453—1959 . . .	Specification for Rayon Satin.
54.	IS : 1454—1959 . . .	Specification for Rayon Sari Cloth.
55.	IS : 1455—1959 . . .	Specification for Rayon Jacquard Fabrics.
56.	IS : 1456—1959 . . .	Specification for Rayon Baby Sharkskin.
57.	IS : 1457—1959 . . .	Specification for Rayon Sharkskin.
58.	IS : 1458—1959 . . .	Specification for Railway Bronze Ingots and Castings.
59.	IS : 1461—1959 . . .	Specification for Plastic Buttons (Thermosetting).
60.	IS : 1462—1959 . . .	Specification for Talc for Cosmetic Industry.
61.	IS : 1463—1959 . . .	Specification for Kaolin for Cosmetic Industry.
62.	IS : 1464—1959 . . .	Specification for Ridge and Ceiling Tiles.
63.	IS : 1465—1959 . . .	Methods of Test for Plastic Buttons (Thermosetting).
64.	IS : 1472—1959 . . .	Methods of Sampling Ferro Alloys.
65.	IS : 1474—1959 . . .	Specification for Commercial Refrigerators.
66.	IS : 1475—1959 . . .	Specification for Self-contained Water Coolers.
67.	IS : 1478—1959 . . .	Specification for Clay Flooring Tiles.
68.	IS : 1483—1959 . . .	Specification for White Bread.
69.	IS : 1484—1959 . . .	Specification for Rolled Oats (Quick-Cooking Type).
70.	IS : 1485—1959 . . .	Specification for Macaroni, Spaghetti and Vermicelli.
71.	IS : 1487—1959 . . .	Specification for Edible Groundnut Flour (Expeller Pressed).
72.	IS : 1488—1959 . . .	Specification for 2, 4-D-Sodium.
73.	IS : 1491—1959 . . .	Specification for Metric Scales for Architectural purposes.
74.	IS : 1492—1959 . . .	Specification for Metric Surveying Chains.
75.	IS : 1493—1959 . . .	Methods of Chemical Analysis of Iron Ores.
76.	IS : 1496—1959 . . .	Specification for Transformers Used in Vibrator Power Supplies.
77.	IS : 1497—1959 . . .	Layout for Regulated Market Yards for Agricultural Commodities.
78.	IS : 1499—1959 . . .	Method for Charpy Impact Test (U-Notch) for Steel.
79.	IS : 1500—1959 . . .	Method for Brinell Hardness Test for Steel.
80.	IS : 1501—1959 . . .	Method for Vickers Hardness Test for Steel.
81.	IS : 1502—1959 . . .	Specification for Rayon Linen.
82.	IS : 1503—1960 . . .	Specification for Rectangular Solid Wood Packing Cases.
83.	IS : 1504—1959 . . .	Specification for Commercial Beeswax.
84.	IS : 1505—1959 . . .	Specification for BHC Smoke Generators.
85.	IS : 1506—1959 . . .	Specification for Copper Oxychloride Dusting Powders.
86.	IS : 1507—1959 . . .	Specification for Copper Oxychloride Water Dispersible Powder Concentrates.
87.	IS : 1514—1959 . . .	Methods of Sampling and Test for Quick Lime and Hydrated Lime.

Sl. No.	No. of Indian Standard	Title of Indian Standard
88.	IS : 1515—1959 . . .	Specification for Beehives.
89.	IS : 1516—1959 . . .	Specification for Milk Strainers, Mild Steel, Tinned
90.	IS : 1517—1959 . . .	Specification for Milking Pails (Hooded Type), Mild Steel, Tinned.
91.	IS : 1520—1960 . . .	Specification for Horizontal Centrifugal Pumps for Clear, Cold, Fresh Water.
92.	IS : 1530—1960 . . .	Specification for Cloth, Baize.
93.	IS : 1531—1960 . . .	Specification for Cloth, Blanket.
94.	IS : 1532—1960 . . .	Specification for Serge, Blue, Worsted.
95.	IS : 1533—1960 . . .	Specification for Serge, Drab Mixture, Water Resistant.
96.	IS : 1535—1960 . . .	Specification for Cotton Lining Cloth, Dyed.
97.	IS : 1539—1960 . . .	Specification for Cotton Yarn, Grey for Handlooms.
98.	IS : 1540—1959 . . .	Specification for Quick Lime and Hydrated Lime for Chemical Industries.
99.	IS : 1542—1960 . . .	Specification for Sand for Plaster.

[No. MD/13:3.]

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

New Delhi, the 4th July 1960

S.O. 1746.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendment in the Schedule to the Notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel), No. S.R.O. 2154, dated the 10th October, 1958, namely:—

In Part II of the said Schedule, the heading "Indian Bureau of Mines" and all the entries relating thereto shall be omitted.

[No. 13/3/60-M. III.]

A. NARAYANAN, Under Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 8th July 1960

S.O. 1747.—The following draft of the Wool Grading and Marking Rules, 1960, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and in the supersession of the Wool Grading and Marking Rules 1956, is hereby published as required by the said section for the information of all the persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st August, 1960.

Any objection or suggestion which may be received from any person in respect of the said draft, before the date so specified, will be considered by the Central Government.

WOOL GRADING AND MARKING RULES, 1960

1. **Short title.**—(a) These rules may be called the Wool Grading and Marking Rules, 1960.

(b) They shall apply to unmanufactured wool obtained from sheep in any part of India or wool produced in India except the State of Jammu and Kashmir.

2. Grade designations.—The grade designations to indicate the characteristics and quality of wool of specified trade descriptions shall be those set out in column 1 of Schedules I to VI.

3. Definition of quality.—The definition of quality indicated by the grade designations is specified in columns 2 to 5 of Schedules I to VI.

4. Grade designation mark.—The grade designation mark shall consist of (a) a label bearing a design (consisting of an outline map of India with the word "AGMARK" and the figure of the rising sun with the words "Produce of India") and (b) grade designation, comprising of grade, colour and yield of wool, as shown in Schedule VII to these Rules.

5. Method of Grading:—

- (a) Baling and marking of wool shall be done at wool pressing centres or ports according to the instructions issued from time to time by the Agricultural Marketing Adviser to the Government of India.
- (b) Grade designation of bales shall be declared after testing samples of wool for colour, type and yield in either of the two Wool Testing Laboratories at Bombay and Jamnagar.
- (c) A certificate of Grading will be issued by the Agricultural Marketing Adviser to the Government of India or any other officer authorised by him in this behalf on a written request from the party.

6. Method of packing.—The wool shall be press-packed in bales with complete covering of new gunny cloth and secured with sufficient number of iron hoops tightly placed around the bale of customary commercial weights of 200 to 450 lb. (90·7 to 204·1 kg.).

7. Method of Marking.—The grade designation mark shall only be applied on full or half pressed bales, as the case may be, in a manner approved by the Agricultural Marketing Adviser to the Government of India. The following particulars shall be clearly indicated on the label:—

- (i) Serial Number.
- (ii) Place and Date of packing,
- (iii) Signature of the Inspecting Officer,
- (iv) Grade,
- (v) Colour,
- (vi) Yield percentage,
- (vii) Place and date of marking,
- (viii) Signature of marking officer.

Provided that an authorised packer may stamp or write his private trade mark on the bale or package, if such private trade mark represents the same colour, quality and grade of wool as that indicated by the Agmark label and is duly certified by the Agricultural Marketing Adviser to that effect.

8. Special conditions of authorisations.—Wool of one grade only shall be packed in one lot. In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the under-mentioned conditions shall be the conditions of every certificate of authorisation issued for the purpose of these rules:—

- (a) The premises of authorised wool merchants and baling presses concerned shall be clean and tidy and shall provide adequate space and facilities for cleaning, sorting, baling, weighing, storage, official inspection and marking of wool.
- (b) All instructions regarding method of sampling, testing, marking and inspection of wool before and after the pressing and maintenance of records thereof, issued by the Agricultural Marketing Adviser to the Government of India from time to time shall be observed strictly by all concerned.

SCHEDULE I

Grade designation and definition of quality of Indian Clipped Wool

Grade designation	Colour of fibre	Special characteristics	Maximum vegetable matter	*General Characteristics
		Minimum clean wool content		
C. W.	White	80%	3%	All grades shall be free from Ginned, Carded, Pulled and Lined Wool, wool waste, bleached wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned. No wool having a yield less than what has been prescribed under column 3 will be allowed to be exported.
C. T. W.	Tinged White	77%	Do.	
C. P. Y.	Pale Yellow	74%	Do.	
C. Y.	Yellow	74%	Do.	
C. C.	Coloured	70%	4%	

*Clipped wool shall be marked as "Clipped wool" on Agmark labels and bales.

NOTE 1:—(i) C. W. denotes Clipped White.

(ii) C. T. W. denotes Clipped Tinged White.

(iii) C. P. Y. denotes Clipped Pale Yellow.

(iv) C. Y. denotes Clipped Yellow.

(v) C. C. denotes Clipped Coloured.

NOTE 2:—If the Vegetable Matter Contents are over 3% and upto 5% in White, Tinged White, Pale Yellow, Yellow Wools and are over 4% and upto 6% in Coloured Wool; the same shall be marked on the bales and indicated in the Certificate of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence, the lot shall be rejected for export.

SCHEDULE II
Grade designation and definition of quality of Indian Pulled Wool.†

Grade designation	Colour of fibre	Special characteristics	Maximum Vegetable matter	*General characteristics
		Minimum clean wool content		
PLD. W. . .	White . . .	80%	3%	All grades shall be free from Carded, Limed wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned.
PLD. T. W. . .	Tinged White . . .	77%	Do.	
PLD. P. Y. . .	Pale Yellow . . .	74%	Do.	
PLD. Y. . .	Yellow . . .	74%	Do.	No wool having a yield less than what has been prescribed under column 3 will be allowed to be exported.
PLD. C. . .	Coloured. . .	70%	4%	

*Pulled wool shall be marked as "Pulled wool" on Agmark labels and bales.

†Pulled wool means other than Limed pulled wool.

NOTE 1:— (i) PLD. W. denotes Pulled White wool.

(ii) PLD. T. W. denotes Pulled Tinged White wool.

(iii) PLD. P. Y. denotes Pulled Pale Yellow wool.

(iv) PLD. Y. denotes Pulled Yellow wool.

(v) PLD. C. denotes Pulled Coloured wool.

NOTE 2:—If the vegetable matter contents are over 3% and upto 5% in White, Tinged White, Pale Yellow, Yellow Wools and are over 4% and upto 6% in Coloured wool, the same shall be marked on the bales and indicated in the Certificates of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence, the lot shall be rejected for export.

SCHEDULE III

Grade designation and definition of quality of Indian Tannery Wool Limed)*

(a) WOOLS OTHER THAN SOUTH INDIAN TANNERY & ADEN TYPE.

Grade designation	Colour of fibre	Special characteristics	Maximum vegetable matter	General Characteristics
		Minimum clean wool content		
1	2	3	4	5
LIM. W. . .	White . . .	75%	3%	All grades shall be free from clipped ginned, Carded, pulled wool, wool waste, bleached wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned.
LIM. T. W. . .	Tinged White . . .	75%	Do.	
LIM. P. Y. . .	Pale Yellow . . .	72½%	Do.	
LIM. Y. . .	Yellow . . .	72½%	Do.	
LIM. C. . .	Coloured wool . . .	65%	4%	No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.

*LIMED WOOL SHALL BE MARKED AS "LIMED WOOL" ON AGMARK LABELS AND BALES.

(b) SOUTH INDIAN TENNERY AND ADEN TYPE WOOLS**

1	2	3	4	5
TY. W.	White	60%	3%	All grades shall be from clipped ginned, carded and pulled wool waste, bleached wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and, properly cleaned. No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.
TY. T. W.	Tinged White	60%	Do.	
TY. P. Y.	Pale Yellow	60%	Do.	
TY. Y.	Yellow	60%	Do.	
TY. C.	Coloured	55%	4%	

**SOUTH INDIAN TANNERY AND ADEN TYPE WOOLS SHALL BE MARKED AS "SOUTH INDIAN TANNERY" OR "ADEN TYPE" AS THE CASE MAY BE ON THE AGMARK LABELS AND BALES.

- NOTE 1.—(i) LIM. W. denotes Limed White wool.
(ii) LIM. T.W. denotes Limed Tinged White wool.
(iii) LIM. P. Y. denotes Limed Pale Yellow wool.
(iv) LIM. Y. denotes Limed Yellow wool.
(v) LIM. C. denotes Limed Coloured wool.

- NOTE 2.—(i) TY. W. denotes Tannery White wool.
(ii) TY. T. W. denotes Tannery Tinged White wool.
(iii) TY. P. Y. denotes Tannery Pale Yellow wool.
(iv) TY. Y. denotes Tannery Yellow wool.
(v) TY. C. denotes Tannery Coloured wool.

NOTE 3.—If the Vegetable Matter Contents are over 3% and upto 5% in White, Tinged White, Pale Yellow, Yellow Wools and are over 4% and upto 6% in Coloured wool, the same shall be marked on the bales and indicated in the Certificates of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence, the lot shall be rejected for export.

SCHEDULE IV

Grade designation and definition of quality of Indian Mined Wool.

(a) CLIPPED—CARDED*.

Grade Designation.	Colour of fibres	Special characteristics minimum clean wool content	Maximum Vegetable matter	General characteristics
1	2	3	4	5
M. C. CD. W.	White	80%	3%	All grades shall be free from Ginned, Pulled and Limed wool, wool waste, bleached wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned. No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.
M. C. CD. T. W.	Tinged White	77%	Do.	
M. C. CD. P. Y.	Pale Yellow	74%	Do.	
M. C. CD. Y.	Yellow	74%	Do.	
M. C. CD. C.	Coloured	70%	4%	

*A LOT CONTAINING MORE THAN 25% OF CARDED WOOL SHALL BE MARKED AS CARDED ON AGMARK LABELS AND BALES.

(b) CLIPPED-PULLED**

1	2	3	4	5*
M. C. PLD. W. .	White . . .	80%	3%.	All grades shall be free from Ginned wool, Lined wool, Carded wool, Bleached wool, wool waste or any other animal fibres and also from burrs, rhorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned.
M. C. PLD. T. W.	Tinged White .	77%	Do.	
M. C. PLD. P. Y.	Pale Yellow .	74%	Do.	
M. C. PLD. Y. .	Yellow . . .	74%	Do.	
M. C. PLD. C. .	Coloured . .	70%	4%.	

thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned.
No. wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.

*A LOT CONTAINING MORE THAN 25% OF PULLED WOOL SHALL BE MARKED AS PULLED WOOL ON AGMARK LABELS AND BALES.

**Pulled wool means other than Lined Pulled wool.

NOTE—1.

- (i) M. C. CD. W. denotes Mixed (clipped carded) White wool
- (ii) M. C. CD. T. W. denotes Mixed (clipped carded) Tinged White wool.
- (iii) M. C. CD. P. Y. denotes Mixed (—do—) Pale Yellow wool.
- (iv) M. C. CD. Y. denotes Mixed (—do—) Yellow wool.
- (v) M. C. CD. C. denotes Mixed (—do—) Coloured wool.

NOTE—2.

- (i) M. C. PLD. W. denotes Mixed (Clipped-Pulled) White wool.
- (ii) M. C. PLD. T. W. denotes Mixed (—do—) Tinged White wool.
- (iii) M. C. PLD. P. Y. denotes Mixed (—do—) Pale Yellow wool.
- (iv) M. C. PLD. Y. denotes Mixed (—do—) Yellow wool.
- (v) M. C. PLD. C. denotes Mixed (—do—) Coloured wool.

NOTE—3.

If the Vegetable Matter Contents are over 3% and upto 5% in White, Tinged white, Pale Yellow, Yellow Wools and are over 4% and upto 6% in Coloured wool, the same shall be marked on the bales and indicated in the Certificates of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence, the lot shall be rejected for export.

SCHEDULE V

Grade designation and definition of quality of Indian Hill (Pahari) wool greasy.

(a) CLIPPED.

Grade designation.	Colour of fibre	Special characteristics Minimum clean wool content.	Maximum Vegetable matter.	†General characteristics
1	2	3	4	5
H. W.	White	60%	3%	All grades shall be free from
HL. T. W. . . .	Tinged White. . . .	60%	Do.	Carded, Pulled & Lined wool,
HL. C.	Coloured	55%	4%	wool waste, bleached wool, processed wool or any other animal

fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned.
No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.

†Indian Hill Wool (clipped) will be marked as "Indian Hill clipped wool" on Agmark labels and bales.

(b) PULLED

1	2	3	4	5*
PLD. HL. W.	White	60%	3%	All grades shall be free from ginned wool, lined wool, carded wool, bleached wool, wool waste, processed wool or any other animal fibres and also from burrs, thorns, sticks, dust and other extraneous matter except for few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned. No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.
PLD. HL. T. W.	Tinged White	60%	Do.	
PLD. HL. C.	Coloured	55%	4%	

*Indian Hill Pulled Wool will be marked as "Indian Hill Pulled Wool" on Agmark labels and bales.

NOTE—1.

- (i) HL. W. denotes Hill White wool.
- (ii) HL. T. W. denotes Hill Tinged White wool.
- (iii) HL. C. denotes Hill Coloured wool.

NOTE—2.

- (i) PLD. HL. W. denotes Pulled Hill White Wool.
- (ii) PLD. HL. T. W. denotes Pulled Hill Tinged White wool.
- (iii) PLD. HL. C. denotes Pulled Hill Coloured wool.

NOTE—3.

If the Vegetable Matter Contents are over 3% and upto 5% in White, Tinged White, Pale Yellow, Yellow Wools and are over 4% and upto 6% in Coloured wool, the same shall be marked on the bales and indicated in the Certificates of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence, the lot shall be rejected for export.

SCHEDULE—VI

Grade designation and definition of quality of Indian Ginned Wool.

Grade designation.	Colour of fibre	Special characteristics Minimum clean wool content.	Maximum vegetable matter.	†General Characteristics
G. W.	White	80%	3%	All grades shall be free from Carded, Pulled and Lined Wool, wool waste, bleached wool, processed wool or any other animal fibres and also from burrs, thorns, sticks, sand, dust and other extraneous matter except for a few unavoidable and shall reasonably be dry in feel, homogeneous in character and properly cleaned. No wool having a yield less than what has been prescribed under column 3, will be allowed to be exported.
G. T. W.	Tinged White	77%	Do.	
G. P. Y.	Pale Yellow	74%	Do.	
G. Y.	Yellow	74%	Do.	
G. C.	Coloured	70%	4%	

*Ginned wool will be marked as "Ginned Wool" on Agmark labels and bales.

NOTE—1.

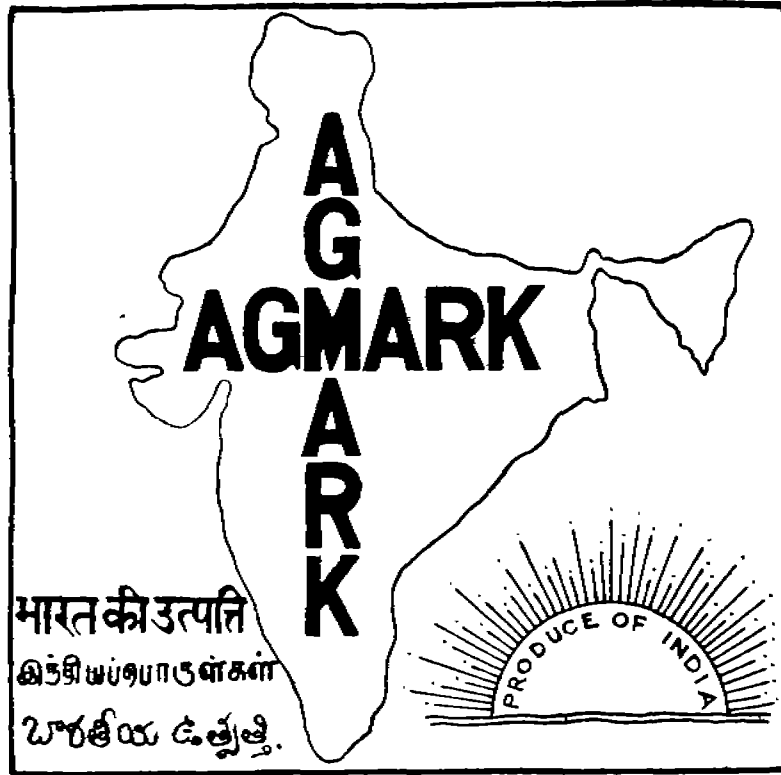
- (i) G. W. denotes Ginned White wool.
- (ii) G. T. W. denotes Ginned Tinged White Wool.
- (iii) G. P. Y. denotes Ginned Pale Yellow wool.
- (iv) G. Y. denotes Ginned Yellow wool.
- (v) G. C. denotes Ginned coloured wool.

NOTE—2.

If the vegetable Matter Contents are over 3% and upto 5% in White, Tinged White, Pale Yellow, Yellow Wools and are over 4% and upto 6% in coloured wool, the same shall be marked on the bales and indicated in the Certificates of Agmark Grading. If the Vegetable Matter exceeds the upper limits mentioned in the preceding sentence the lot shall be rejected for export.

SCHEDULE VII

The grade designation mark to be applied to bales of wool shall contain the following design :—



Sr. No. W.

Place of packing

Date of packing

Signature of Inspecting
Officer.

Grade

Colour

Yield percentage

Place and date of marking.

Sr. No. W.

Signature of Marking Officer.

[No. 17-42/59-AM]

V. S. NIGAM, Under Secy.

Sec. 3(ii)]

THE GAZETTE OF INDIA: JULY 16, 1960/ASADHA 25, 1962

2021

(Department of Agriculture)

CORRIGENDA

*New Delhi, the 7th July 1960***S.O. 1748.**—In S.O. 1604 dated 27th June, 1960:—

- (i) In column 1, against the entries "Butter" and "Cereals, other than rice and wheat" add numbers "3" and "4"; and
- (ii) below item "14. Seeds", for the words "Cast or seed" in column 2, substitute the words "Castor seed".

[No. 4-2/60-C(E).]

B. R. KAPOOR, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 22nd June 1960

S.O. 1749.—In exercise of the powers conferred by Sub-Section 4 (vii) of Section 4 of the Indian Lac Cess Act, 1930 (24 of 1930), as amended from time to time, the Central Government is pleased to nominate the following persons on the Governing Body of the Indian Lac Cess Committee to represent the cultivators of lac in the States shown against each, for a period of three years:—

Name of the member	Name of the State
1. Rev. B. M. Pugh, Member Khasi Jaintia Hills, District Council.	Assam.
2. Pt. Binodananda Jha, Revenue Minister, Bihar.	Bihar.
3. Shri Gandharpanath Sahadeo of Larba, P.O. Kalebira, District Ranchi.	Bihar.
4. Shri Sita Singh of Gerna, P.O. Pandepura, Distt. Hazaribagh.	Bihar.
5. Shri Sankar Narayan Singha Deo, M.L.A., Parliamentary Secretary, Agriculture & Food Production Department, West Bengal, Calcutta.	West Bengal.

[No. 3-75/60-Com.III.]

S.O. 1750.—In exercise of the powers conferred by Sub-Section 4 (iv) of Section 4 of the Indian Lac Cess Act, 1930, as amended from time to time, the Central Government is pleased to nominate the following persons on the Governing Body of the Indian Lac Cess Committee to represent Shellac Manufacturing Industry for a period of three years:

1. Shri B. L. Jaiswal, Banglataner, P.O. Chakradharpur, District Singhbhum.
2. Shri Mahabir Prasad Goenka, Gossaintola, Mirzapur.
3. Shri Brijmohan Agarwal, Advocate, Gondia.
4. Dr. R. W. Aldis, M/S Angelo Bros. Ltd., Cosipore, Calcutta.

[No. 3-12/60-Com. III.]

AJUDHIA PRASADA, Under Secy.

(Department of Agriculture)**(Indian Council of Agricultural Research)***New Delhi, the 30th June 1960*

S.O. 1751.—In pursuance of the provisions of clause (c) of Section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944) the Government of Madras have nominated Shri A. R. M. Chakrapani Reddiar, 10, Kandappa Chetty Street, Madras-1, as a member of the Indian Central Coconut Committee for a period of one year with effect from 1st April, 1960.

[No. 8(2)/60-Com. I.]

J. VEERA RAGHAVAN, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 1st July 1960*

S.O. 1752.—The Government of Mysore having nominated, in exercise of the powers conferred by clause (e) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) Shri S. T. Rodda, M.B.B.S., B.Hy. Director of Public Health, Government of Mysore, Bangalore, to be the representative of that Government on the Central Committee for Food Standards in the vacancy caused by the resignation of Dr. S. Seshagiri Rau, the Central Government in exercise of the powers conferred by sub-section (1) of the said section 3, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. S.R.O. 1236 dated the 1st June, 1955, namely:—

In the said notification for entry 21, the following entry shall be substituted, namely:—

“21. Shri S. T. Rodda, M.B.B.S., B.Hy., Director of Public Health, Government of Mysore, Bangalore.”

[No. F. 14-45/60-P.H.]

M. C. JAIN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Transport)****(Transport Wing)****PORTS***New Delhi, the 7th July 1960*

S.O. 1753.—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (15 of 1908) and in supersession of the notification of the Government of India in the Ministry of Transport and Communications, Department of Transport, No. 2-PE(161)/59, dated the 5th January, 1960, the Central Government hereby authorises Shri V. K. Palsole, Pilot, Kandla Port, to pilot in and out of the Port, move in the Harbour and to berth and unberth ships upto 5,000 tons gross (excepting tankers and vessels loaded with explosives) during day and night within Kandla Port limits.

[No. 2-PE(161)/59.]

D. A. R. WARRIAR, Under Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY*New Delhi, the 1st July 1960*

S.O. 1754.—In exercise of the Powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of Officers	Categories of public premises and local limits of jurisdiction
1	2
Registrar-I, Indian Agricultural Research Institute, New Delhi.	Premises under the administrative control of the Indian Agricultural Research Institute, Ministry of Food and Agriculture (Deptt. of Agriculture) New Delhi.

[No. 14/3/60-Acc]

K. SRINIVASAN, Under. Secy.

MINISTRY OF REHABILITATION**(Office of the Chief Settlement Commissioner)***New Delhi, the 6th July 1960*

S.O. 1755.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 16, of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the officers specified in the Schedule below with effect from the date they assume the charge of their duties, as Managing Officers for the custody, management and disposal of the property (including agrl. land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation & Rehabilitation) Rule, 1955 and forming part of the Compensation Pool.

SCHEDULE

- | | |
|---|---|
| 1. All Assistant Registrars, Land Claims. | } Working in the Displaced Persons Land Record Organisation under the State Rehabilitation Department, Jullundur. |
| 2. All Section Officers, Land Claims. | |

[No. 3(27)/Pol-II/60.]

New Delhi, the 8th July 1960

S.O. 1756.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act (44 of 1954), the Central Government hereby appoints the officers specified in the schedule below as Settlement Commissioners in their respective areas in the Union Territory of Himachal Pradesh for the purpose of performing, in addition to their own duties, the functions assigned to a Settlement Commissioner by or under the said Act for the custody, management and disposal of the property (including agrl. land) in a rural area as defined in Clause (f) of Rule 2 of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955 and forming part of the Compensation Pool.

SCHEDULE

Deputy Commissioners—Mahasu, Sirmur, Bilaspur, Mandi and Chamba.

[No. 3(42) Policy II/59.]

KANWAR BAHADUR,
Settlement Commissioner & Ex-Officio Dy. Secy.

DELHI DEVELOPMENT AUTHORITY**PUBLIC NOTICE**

New Delhi the 6th July 1960

Notice under section 10 (1) of the Delhi Development Act 1957 (No. 61 of 1957) read with rule 5 of the Delhi Development (Master Plan and Zonal Development Plan) Rules 1959.

S.O. 1757.—Notice is hereby given that

- (a) a draft of the Master Plan for the Union Territory of Delhi has been prepared; and
- (b) a copy thereof will be available for inspection at the following offices between the hours of 11.00 a.m. and 3.00 p.m. on all working days, except Saturdays, till the date mentioned in paragraph 3 herein-after.

(1) Office of the Delhi Development Authority—

(a) Regal Buildings; and

(b) 4/6 Asaf Ali Road, Ajmeri Gate Extension, New Delhi;

(2) Office of the Delhi Municipal Corporation, Town Hall, Delhi;

(3) Office of the New Delhi Municipal Committee, Town Hall, New Delhi; and

(4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect of this draft Plan.

3. The objection or suggestion may be sent in writing to the Secretary, Delhi Development Authority, Regal Buildings, New Delhi, before the seventh day of October, 1960.

Any person making the objection or suggestion should also give his name and address.

Regal Buildings,

New Delhi.

Dated 6th day of July 1960.

New Delhi, the 8th July 1960

S.O. 1758.—In pursuance of the provisions of sub-Section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below.

SCHEDULE

Land measuring 0.92 acre situated in Western Extension Area, Karol Bagh, New Delhi.

The above land is bounded as follows:—

North:—Service Road.

South:—Guru Nanak Road.

East:—Double storeyed Quarters of Corporation.

West:—Tank Road.

[No. L. 1(24)54.]

B. C. SARKAR, Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th July 1960

S.O. 1759.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Gaslitand Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE NO. 10 OF 1960

PARTIES:

Employers in relation to Gaslitand Colliery.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L.,—Chairman,

Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri D. Narsingh, Advocate, with Shri J. J. T. Keegan, for the employers.

Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, with Shri B. N. Sharma, for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 22nd June 1960

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. 2/209/59-LRII dated the 9th February 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 47) referred for adjudication the aforesaid industrial dispute in respect of the matters contained in the schedule to the said order:—

SCHEDULE

"Whether the termination of the services of Shri Pratap Singh, Tyndal Mazdoor of Gaslitand Colliery, Post Office Sijua is justified after having found him fit to work normally for over a year after the accident met by him on 7th July 1957? If not, to what relief he is entitled?"

2. According to the workmen's statement filed before the Conciliation Officer which has been forwarded to this Tribunal as his statement, I set that the dismissal dated the 24th July 1959 of Shri Pratap Singh Tyndal Mazdoor (Heavy) Gaslitand Colliery has been impugned as *malafide*. It is alleged that Shri Pratap Singh was a very old employee who met with an accident on 7-7-1957 in the course of his duties. He was raising one motor engine with other workmen with rope and bamboo. The bamboo suddenly gave way and injured his shoulder bone. He was admitted in the Central Hospital of the Coal Mines Welfare Organisation at Dhanbad. After his recovery he resumed his duties in the Gaslitand Colliery on the 14th December 1957. He was working there till the date of his dismissal as given above. He is said to have been dismissed because of his trade union activities and also because he pressed the management to pay him full compensation with extreme reluctance. He was finally allowed 15 per cent compensation as assessed by the Civil Surgeon, Dhanbad. He has been dismissed as his work was not satisfactory though he was examined by no doctor at the time his service was dispensed with.

According to the management's version it is admitted that he sustained the injury as the result of the accident on 7-7-1957 and that he returned to his normal duties on 14-12-1957. The management, when the workman joined, was not aware of his permanent partial disability. His disability was considered to be temporary. He was granted compensation accordingly. He was paid compensation amounting to Rs. 300/- upto the date of his joining on 14-12-1957 on the footing that his injury was a temporary disability. On the 10th October 1958, that is about 10 months after he had joined, the Colliery Mazdoor Sangh addressed a letter to the Calcutta Claims Bureau that Shri Pratap Singh had been examined by the Civil Surgeon, Dhanbad, on 4-9-1958. The Civil Surgeon found that his disability was permanent and partial. So a further claim of Rs. 330/- was made. The Claims Bureau, however, ordered Rs. 435/- to be paid by the management as the balance of compensation in full and final settlement

of the claim, in July 1959. On the basis of the Civil Surgeon's report, the management thereafter on the 24th July 1959 discharged him because of his permanent partial disablement as certified by the Civil Surgeon. Even after this on the 18th August 1959 Shri Pratap Singh collected the sum of Rs. 435/- being the balance of compensation money due to him. He gave a final receipt as per Annexure 'C' to the written statement of the company. So the present claim of being reinstated in service can never be sustained. The management has further taken up the legal objection, namely, that the reference is an individual dispute and not an industrial dispute.

3. Regarding the legal objection it has not been pressed during the trial. Even if it is pressed I do not think it can be sustained because the Colliery Mazdoor Sangh took up the case of this workman right from the beginning even before the conciliation. That this workman subscribes to this Union is not disputed. There are also other workers of this colliery belonging to this union. So the representative character of the union as far as this colliery is concerned is not challenged. So, though the dispute might have been an individual dispute at its inception it has been transformed into an industrial dispute before the date of reference. So the tribunal has got jurisdiction to try this matter, because it has been converted into an industrial dispute.

4. The facts in this case practically are admitted. From Exhibit-B I get the expert finding. In the Central Hospital discharge certificate as quoted by the Claims Bureau in Exhibit B, it is stated:

"The X-ray findings in accordance with the Central Hospital discharge certificate showed a fracture of the greater tuberosity of the left humerus—position of fragments fair—formation callus—poor bony union..... The worker had still some restriction of movement of his shoulder and he was unable to raise his arm above the shoulder level or to back."

In all these circumstances, the claims Bureau were now prepared to finally settle the case by payment of the lump sum compensation due for 15 per cent loss in earning capacity as put forward by the Assistant Surgeon, Dhanbad. In the Certificate Exhibit 1 (a) of the Central Hospital I get that on 13-12-1957 this workman was fit for light duty. He was asked to be re-examined after three weeks. Exhibit-1 further shows that even on 7-1-1958 he was prescribed light duties for three months. So it is clear that even after his discharge from the hospital in December 1957 he was not fit for doing heavy duties forthwith. As a matter of fact, I find from the document marked for identification which I have no reasons to discredit it is stated that on 8-8-1958 this very man stated that he had requested the Manager, Gasitand Colliery several times regarding the compensation for the loss of earning capacity. This document is, of course, not admitted by the worker. But this is consistent with the certificate in the hospital. So it is abundantly clear that this workman even in August 1958 maintained that he had suffered permanent loss in earning capacity and demanded further compensation. Even if I assume as per the written statement of the worker that he was allowed heavy duties right from the date of his joining in December 1957, still that by itself can never conclusively establish that he could work as a heavy tinda mazdoor. He was working in a gang and so his individual capacity might well have escaped detection, as it is urged. I find from Exhibit A(1) which is dated 18-8-1959 and which is not denied, that the injury was partial loss of use of left arm above the elbow. If I turn to Annexure 'B' to the company's written statement I get from the Civil Surgeon's certificate dated 4-9-1958 that he was fit for light duties and that there was permanent disablement to the said workman, resulting in partial loss of use of his left arm above the elbow. Now if I remember in this connection that it is the union which got this workman examined by the Civil Surgeon and took up the matter with the Calcutta Claims Bureau on the basis of this certificate of the Civil Surgeon, I do not see how it can lie with the said union or with the workman concerned to urge that there is no permanent disablement as certified by the said Civil Surgeon. The position seems to be that the Civil Surgeon's certificate was used only to exploit more money as compensation alleging certain things. Then when the money was obtained as compensation to the fullest extent, the whole thing was given a go by. Now it is said that the man is perfectly all right and there was no permanent partial disability. Can such *volta face* be allowed in a court of law? There might or might not be any estoppel or acquiescence operating against the workman. But to allow such change of front in a court of law would be nothing short of perversity of justice. Besides, if the workman really wanted to contradict the Civil Surgeon's certificate obtained

at his instance, it was the incumbent duty on him to get another such certificate from a competent Doctor to show the altered position. He cannot shift the onus to the employer. The mere word of mouth can be of no avail. So the position that is taken up by the workman is absolutely untenable.

5. The contention that this man has been let down because of his union activities is neither here nor there. The worker was kept in service and was even allowed to join immediately after his discharge from the hospital. The company might have been annoyed with the worker just to pay this big sum as compensation, but if the company does not have recourse to any mala fide action it cannot be found fault with. Another contention that is raised by the union is that this man has been retrenched without any charge sheet or any enquiry. I do not think it is a case of misconduct for which a charge sheet is required. The purpose of the charge sheet is just to enable the workman to place his case properly. The facts here are all admitted. He is discharged because he is not fit to do his normal duties satisfactorily as certified by the doctors. The Tribunal cannot thrust this man upon the management even though his efficiency falls short of the normal requirements. But this man sustained the injury in the course of his duties. All that I can say is that the company should have some soft corner for him. He may be no longer kept for doing heavy duties as Tindal Mazdoor but if he is fit for light duties none the less, I would recommend without creating any obligation on the management, if it could see its way to employ this workman in some lighter duty where he may be found fit. But this is only as a recommendation to the management. So coming to the issue before me I find that the discharge in the present case is justified and the workman is entitled to no relief at the hands of the Tribunal.

(Sd/-) G. PALIT, Chairman.

DHANBAD;

Central Govt. Industrial Tribunal, Dhanbad.

The 23rd June, 1960.

[No. 2/209/59-LRIL.]

S.O. 1760.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kankanee Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 11 of 1960

PARTIES:

Employers in relation to the Kankanee colliery

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjee, Advocate, with Shri S. S. Kapor, Chief Welfare Officer, for the company.

Shri Lalit Burman, General Secretary, Bihar Koyla Mazdoor Sabha, C/o Indian National Mine Workers Federation, Dhanbad for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 23rd June 1960

AWARD.

The Government of India, Ministry of Labour and Employment, by Order No. LR. II/2(143)59 dated 15th February, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes

Act 1947 (XIV of 47) referred for adjudication the aforesaid industrial dispute in respect of the matters contained in the schedule to the said Order:—

SCHEDULE

"Whether the termination of services of Sarvashri Karu Chamar and Mangra Bhuiya was justified. If not, to what relief are they entitled?"

2. After the usual notices, the workmen's case before the Conciliation Officer forwarded to this Tribunal was sent to the management. The management filed a rejoinder on 18th March, 1960. The case was taken up for hearing on 15th June, 1960. It was concluded on 17th June, 1960 including the argument.

3. It is the case of the Union that these two workmen have been working in the Kankanee colliery for more than 20 years. Due to certain mining difficulties the workings of the said colliery were substantially reduced. As a result, the management issued transfer orders to these two workmen on the 15th July, 1957 with orders to report for duty at Amlabad colliery on the 17th July, following. They presented themselves for duty at the Amlabad colliery on the 23rd July, 1957. Karu Chamar joined for a day on 23rd July, 1957. Mangra Bhuiya refused to join. The grievance was that they were not supplied with quarters. They called upon the Group Agent on 26th July, 1957, at Kankanee colliery. They got a reply on 11th September, 1957, saying that they had been already allotted quarters. The workmen again applied to the Group Agent on 16th September, 1957, that they were willing to work provided they were given quarters. Then the matter was taken up with the Regional Labour Commissioner (Central), Dhanbad. They were thereafter, given charge sheet. The conciliation proceeding started. Thereafter the manager, Amlabad colliery on 23rd May, 1958, advised the workmen to join within 7 days. They are said to have received the letter on 30th May, 1958. They again applied on 31st May, 1958, saying that they would join if accommodation was arranged for them. Thereafter, on the 30th June, 1958, the Manager, Amlabad Colliery, again asked them to join within 7 days. They did not join as no quarter was provided for them. Thereafter, the Manager, Amlabad colliery discharged them by a letter dated 30th July, 1958.

4. According to the management the present dispute is only an individual dispute and as such, outside the purview of the Industrial Disputes Act 1947. Its further contention is that the case should have been not between the Kankanee colliery and these workmen, but should have been between the Amlabad colliery and the present workmen. The management alleges that the quarters had all along been there but they refused to join because they preferred to be retrenched on having retrenchment compensation. Besides, the provision of quarters can never be a condition of service or a condition precedent to their joining their duties.

5. The facts are practically admitted in this case. The transfer of these two workmen from Kankanee colliery to Amlabad colliery has not been challenged as mala fide. It was admitted that this transfer was required due to certain mining difficulties. In the evidence it has transpired that there was some outbreak of fire in the Kankanee colliery such as necessitated the transfer or retrenchment of a large number of workers. The representative of the workmen also before me admits that it is not upto him to question this transfer as that has been specifically provided for under clause 26 of the Standing Orders for the coal mining industry. The only restriction to which such transfer has been made subject to, is the condition that this should not cause any prejudice to the wages and other conditions of service of workmen so transferred and that reasonable notice was given of the said transfer. So his contention is that these two workmen were entitled to occupation of quarters as a matter of right at Amlabad colliery because they were so provided at the Kankanee colliery. As they were not accommodated with quarters they could very well refuse to join at the place they had been transferred to. But I am unable to accept this contention of the workmen. The sections 30 and 33 of the said standing orders deal with all matters concerning the allotment and occupation of the quarters by workmen. It is nowhere stated that the workmen can claim as a matter of right to be provided with quarters. As a matter of fact, in the evidence I get that the number of quarters available is much less than the total strength of workers. So it can never stand to reason that every worker at Amlabad colliery should be provided with quarters. Besides, simply because these workmen had got quarters at Kankanee colliery, that can never be treated as a condition of their service for all time to come. Supposing a workman at a particular station has got tap water and electricity; now if he is transferred to a place where none of these amenities are available, can he refuse to join? The provision of quarters is only incidental to the rendering of service and is more in the nature of a concession

than a right. So the workmen here should have joined and then applied for being provided with quarters. They are never justified in making this supply of quarters as they did as a condition precedent to their joining in the new station. A refusal to provide them with quarters cannot also constitute a breach of the condition of service nor can it render the transfer order infructuous. Even if I accept the entire version of the workmen on its face value, I am unable to hold that the workmen in this case were justified in refusing to join. That they refused to join because they were not provided with quarters is an admitted fact and is clear in all the correspondence on record. So the company can very well take disciplinary action against them.

6. Next, I turn to the question of facts, namely, whether this contention of the workmen that they were not offered quarters is true or not. I get in evidence that on the 15th July, 1957, they were transferred from Kankanee colliery to Amlabad colliery. They were asked to join on the 17th July, 1957, as per Annexure A to the company's written statement which is not disputed. They went to join on 23rd July, 1957. This shows that they did not take this transfer in very good grace. They were rather reluctant to leave the Kankanee colliery. Karu Chamar worked for one day only and Mangra Bhuia did not join at all. They urged that they must be supplied with quarters before they should be asked to join their duties at Amlabad. So they returned to Kankanee colliery and waited on the Agent. According to them the Agent gave a letter to the Manager, Kankanee colliery, but still they were not provided with quarters at Amlabad colliery. The management says that the quarters were all along kept ready for them for occupation. It may be that the quarters which were given to them were not upto their choice or I am disposed to think that they were not provided with any quarters then and there. But it is clear at the same time that when the Agent, Kankanee colliery, gave them a letter addressed to the Manager, Amlabad colliery, for their quarters it appears that the management was bent on giving them some quarters. They at least bore no malice against them. Further, in the evidence of the Manager, Amlabad colliery, I get that they installed one new haulage which required the service of three men. Prahlad who came with these two workmen joined his duties and was provided with quarters. As these two workmen did not join, the trammers were utilised just for running this haulage. It is natural that when these two people were dismissed long after that the new men had been taken just to run this haulage. So it is clear that the management required the service of these two workmen at Amlabad colliery. The version of the union that the management wanted to avoid giving them retrenchment compensation and for that reason withheld quarters from them is displaced by the above. Besides I get it admitted that the management kept its doors open for them for 8 or 10 months asking them repeatedly to come. The management even threatened them that if they did not join within a week of the letter, steps would be taken against them. As per Exhibit-D it was definitely stated by the Group Agent that the quarters had been given to them. They were indulging in unauthorised absence from their duties. These workmen possibly raised the plea of lay-off as is hinted in this letter which was, of course, turned down. So it is clear that on one pretext or another, these workmen tried to remain away from joining at Amlabad, making this plea of non-supply of accommodation as a ground of justification. Besides I can never persuade myself to believe that these two managers and the Agent all made an unholy alliance to get rid of these two workers whose service they needed by dangling the offer of quarters to them at Amlabad. So even on facts I find that the management left no stone unturned to bring back those two workmen to the duties at Amlabad. But they persisted in their refusal to join. Even a charge sheet was given as per Annexure C-1 dated 24th July, 1957. There also the workmen made accommodation of quarters as a condition precedent to their joining. The management did not follow up this charge sheet either by an enquiry or by taking up any disciplinary action. They kept their doors open till the 30th June, 1958. Even on that date they said that the quarters had been arranged for them and the same are lying vacant. They were requested to join their duty at once. If they refused to join within 7 days they have no other alternative than to take disciplinary action against them. So if after this, the action of dismissal has been taken I think no blame attaches to the management. It is said by the union that there was no enquiry following the reply to the charge sheet. That may be true. But there is no charm in the charge sheet itself. The implication of the charge sheet lies in the fact that the workmen should be given an opportunity to explain. Lots of opportunities were given here. So the absence of an enquiry can never be a fatal defect. So both on facts and on law I find that the management was justified in dismissing these workmen. As they have been lawfully dismissed they are entitled to no relief.

7. Before I part with the records of the case I should refer to the objection of the company, namely, that the dispute was between the Amlabad colliery and the present workmen and not between the Kankanee colliery and its workmen. I do not think this objection can be upheld. These workmen did not join the Amlabad colliery. One of them joined only in one shift. Still they continued to be the workmen of the Kankanee colliery. Transfer does not per se terminate the service altogether. It merely puts in abeyance the service in the quantum colliery from which these workmen have been transferred. This objection of the management is ruled out.

8. Regarding the objection that it is an individual dispute it has not been pressed during the trial. Even if it was pressed I should hold that it does not hold much water because the case of the workmen had been taken up by the union to which they subscribe before the date of the reference. So it is an industrial dispute, pure and simple. As such, this Tribunal has jurisdiction to decide this matter. The case is thus disposed of.

Dhanbad,

Dated 23rd June, 1960.

Sd./- G. PALIT, Chairman,
Central Government Industrial Tribunal, Dhanbad.

[No. 2/143/59-LRII.]

New Delhi, the 8th July 1960

S.O. 1761.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Jharkhand Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 8 OF 1960

PARTIES:

Employers in relation to Jharkhand colliery.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman.

Central Government Industrial Tribunal, Dhanbad.

Appearances:

Shri D. Narsingh, Advocate—for the employers.

Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh,
—for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 27th June 1960.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. 2/227/59-LRII, dated the 29th January 1960 made in pursuance of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 47) referred the aforesaid dispute for adjudication to the Industrial Tribunal at Dhanbad presided over by me. The matter for adjudication is as per schedule below:—

SCHEDULE

“(a) Whether the transfer of Shri M. Alam, Register Keeper, Jharkhand colliery, as Assistant in the Law Office of Bokaro Ramgarh Limited, Hazaribagh, is justified?

(b) If not, whether his discharge from employment with effect from the 7th September, 1959, as Register Keeper, Jharkhand colliery, is justified? If not, to what relief is he entitled?”

2. The statement of the workmen made before the Conciliation Officer (Central) forwarded to this Tribunal alleges that Mohd. Manzur Alam had been working in the Jharkhand colliery from 1st August, 1959. Prior to that he was working in the Dhori Colliery owned by the same employer from where he was transferred to Kedla colliery. While at Jharkhand colliery he was transferred to the Hazaribagh Law Office which was only after three months. In Jharkhand colliery he started enrolling members of Colliery Mazdoor Sangh in the last week of August, 1959. He was given the Order of transfer after a week. This transfer is said to have been the result of victimisation only to throttle his trade union activities. So he wants his transfer order to be cancelled as also the subsequent discharge order based upon it.

According to the management he was originally employed at Dhori colliery. From there he was transferred to Kedla colliery. He was found to be inefficient. From there he was again transferred to Jharkhand colliery where the work was lighter. Then he was transferred in August, 1959 to the Law branch office at Hazaribagh because the Jharkhand colliery was being made over to a raising-cum-selling contractor Messrs. Siv Ram Singh & Co. (P.) Ltd. His transfer was to provide him with an alternative employment at Hazaribagh Law Office. The management denies any knowledge of his union activities. It is further stated that he could have no union activities at Jharkhand in August, 1959 where there are only 15 casual labourers employed in the said colliery and that again for three days. He had however, refused to join his posting at Hazaribagh. So his wilful disobedience has led to his dismissal. He has been paid his dues upto the last day of his service in the presence of the Labour Inspector (Central) Ramgarh on 28th December, 1959.

3. Turning to the evidence on record I do not accept the management's story that the transfer of this workman Shri M. Alam from Jharkhand colliery to the law office at Hazaribagh was bonafide and not based on any extraneous consideration. The ground of his transfer as stated in the written statement of the management is that it was to provide him with an alternative employment because the Jharkhand colliery was being made over to a Raising Contractor named Siv Ram Singh. I get in evidence that when Shri M. Alam was transferred to Hazaribagh law office, another Register Keeper named Chabildeo Singh was brought in to work at Jharkhand colliery in his place. He was transferred from Kedla colliery. He was sent back after three months. So the plea that M. Alam was transferred to Hazaribagh to provide him with an alternative appointment in August, 1959 is palpably absurd and false. At least he could have been retained at Jharkhand colliery for another three months till the raising contractor had taken over charge. The management possibly realised this. So it is said that M. Alam was transferred to Hazaribagh office because the law office at Hazaribagh wanted a clerk very urgently as there was pressure of work. But I have got from the management that M. Alam was not noted for his efficiency. The management says that he was charged with inefficiency previously. So he would be the last person to be selected for relieving any pressure of work at the law office where the work was unfamiliar to him. Besides, if really a man was urgently required at Hazaribagh law office Chabildeo Singh who was brought up from Kedla to fill up the vacancy of M. Alam, could have been sent to Hazaribagh law office direct. At Jharkhand colliery there was not much work to do. Only there were few casual labourers. So M. Alam inefficient as he was, could very well manage it. Thus there was no ground for this double transfer or rather a circuitous transfer. There must have been some other reason at the root of this transfer. I got the evidence that Shri M. Alam at Jharkhand colliery started collecting members for the Mazdoor Sangh. Of course he has admitted that there was not much scope for trade unionism at Jharkhand, the number of workers being rather small but none the less, this must have irritated the employers. The authorities considered it safe to place him in the law office where he would be absolutely beyond the reach of any trade unionism. So the transfer order appears to have been made just to stifle the trade union activities of this workman, however small they were. Next, if I look to the standing orders for the coal mining industry I find in para 26 that all such workmen are liable to be transferred from one department to another or from one station to another or from one colliery to another under the same management provided such transfer does not cause any prejudice to their wages and other conditions of service and provided that reasonable notice is given of such transfer. Now the point is whether this transfer caused any prejudicial alteration in the service condition of this workman. First of all, the Section 26 of the above standing orders contemplates transfer from one colliery to another colliery or from one station to another in coal mines. Even if I assume that this permits transfer also to offices other than the colliery offices under the same management, it must still then be

proved that the workman does not suffer any consequential prejudice in his conditions of service and wages as a result of this transfer. So if he is given nearly the same wages, that by itself will not be enough. The condition of service must not also be adversely affected. Here the law office at Hazaribagh has hardly anything to do with the colliery work. This workman M. Alam was a Register Keeper or rather an Attendance Clerk. In the law office he will be a round peg in a square hole. It is admitted that there is no man drafted from the colliery in the said law office. So the departure in the case of Manzur Alam is bound to raise suspicion. Secondly, under para 7(2) of the Coal Mines Bonus Scheme, bonus is given to miners for work done in the colliery. It is doubtful whether any bonus can be given for work done in the office. So if Shri M. Alam apprehended prejudicial alteration of the condition of service, such apprehension is not absolutely unfounded. The management nowhere assured him on these counts.

4. So considering all these facts and circumstances, I find that the transfer of Shri M. Alam to the Hazaribagh law office is not justified. Besides, I must also point out that this order was passed, not by the Agent of the collieries but by the Officer of Bokaro Ramgarh Limited at Calcutta. This workman could hardly understand the implication of such order from the head office. That is also a ground for his not complying with the order of transfer. It is the contention of the management that Shri M. Alam should first of all have joined and then could have protested against the said order of transfer. There is no doubt, some truth in the said contention but when the order is palpably mala fide, the workman has the right not to comply with it but to protest against it. So taking all these into consideration, I consider the transfer order in question as per issue (a) as mala fide, being actuated by extraneous considerations, and as such not justified.

5. Issue (b).—M. Alam has been discharged from employment with effect from 7th September, 1959 on the ground of disobedience. But he has not been given any charge sheet. Neither has he been given any opportunity to explain why he failed to comply with the said order of transfer. The absence of charge sheet in such cases speaks volumes. The workman does not know under which section of the standing orders he has been found guilty. Apparently turning to the standing orders, I think he has been hauled up under Section 27(1) of the Standing Orders. It refers to wilful insubordination or disobedience whether alone or in combination with another or others, of any lawful or reasonable order of a superior. I stress the words "lawful or reasonable order of a superior." That carries in it an obligation of compliance. But in this case I have found that the order is neither lawful nor reasonable. Whether it was from a proper authority is also doubtful. In such cases disobedience can never be wilful. The workman was in a state of quandary. He could not know whether it would be proper for him to join or to stay away. In such cases disobedience does not amount to insubordination. But strangely enough he has not been confronted with any specific charge under the standing orders in the present case against the disobedience of the transfer order. Next, if it is not dismissal for misconduct, it may be treated as retrenchment. Retrenchment also cannot be made out because the principle of Section 25F of the Industrial Disputes Act 1947 since amended has not been followed. The principle of 'last come first go' has not been observed apparently as there is no evidence on the point. So even the plea of retrenchment cannot succeed. So I must find that his discharge from the employment is unjustified.

6. I have to consider the relief that he is entitled to. I cannot grant him reinstatement for two reasons, though it is the legitimate and logical relief in such cases. The Jharkhand colliery I get in evidence has been made over to a contractor. All the old hands have gone away admittedly. The contractor has employed his own men to carry on work. So reinstatement in Jharkhand colliery cannot be permitted because it is incapable of being implemented. Now whether he can be absorbed in the other collieries under the same management is also a matter which requires evidence. It is to be proved that all these collieries form one integral whole such that the service in one may be taken as the service in another. Even then a specific case for such re-employment has to be made in respect of other collieries. That is not the case here. Another reason why I do not grant reinstatement is because it is admitted by Shri M. Alam that he has vilified the Raja Bahadur of Ramgarh who owns those collieries on 31st March, 1960 subsequent to the reference. The learned representative of the workmen contends on the basis of a Supreme Court decision that a separate charge must be made under this head if any disciplinary action is to be taken against this workman under it. That is true. But here no disciplinary action is being taken against M. Alam for such vilification. But this vilification in the most

filthy language as I see, against a respectable gentleman who owns those collieries cannot but have a bearing on the matter of reinstatement in those collieries. So I do not grant the relief of re-instatement. But I allow M. Alam compensation amounting to one month's wages plus four months' wages as consolidated compensation. That according to me will answer the requirements of justice in this case.

DHANBAD;

The 27th June, 1960.

Sd./- G. PALIT, Chairman,

Central Government Industrial Tribunal, Dhanbad.

[No. 2/227/59-LR.II.]

S.O. 1762.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Chirimiri Colliery and their workmen represented by the Chhattisgarh Colliery workers Federation, P.O. Chirimiri, Distt. Surguja.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 33 of 1959

PARTIES:

Employers in relation to the Chirimiri Colliery

AND

Their workmen represented by the Chhattisgarh Colliery Workers' Federation, P.O. Chirimiri, Dt. Surguja.

PRESENT:

Shri G. Palit, M.A.B.L.,—Chairman,
Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, Advocate,
for the employers.
No appearance for the workmen.

STATE: Madhya Pradesh.

INDUSTRY: Coal.

Dhanbad, dated the 27th June 1960

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR-II-55-1(10)/56 dated 22nd September 1958 made in exercise of the powers conferred by Section 10(2) of the Industrial Disputes Act 1947 (XIV of 47), referred the aforesaid industrial dispute to the Central Govt. Industrial Tribunal at Nagpur for adjudication. Later on this reference which was originally Reference No. 15 of 1958 was converted into a Reference No. 33 of 1959 and was transferred to the Central Govt. Industrial Tribunal at Dhanbad for adjudication under the aforesaid section by Order of the Ministry of Labour & Employment No. LR-II-4(15)59 dated the 5th May 1959. Later on as the service of Shri Salim M. Merchant who presided over the Central Govt. Industrial Tribunal at Dhanbad was not available consequent on his transfer to Bombay, the said reference was transferred to the Central Govt. Industrial Tribunal at Dhanbad presided over by me for adjudication by Order of the Ministry of Labour & Employment No. 4/47/59-LR-II dated the 13th January 1960 having withdrawn the said proceedings under Section 33B (1) of the said Act.

2. I need not go into the facts which have led up to the present dispute and also are involved in the said adjudication, because the parties have reached an amicable settlement out of court with regard to the issues as per schedule and have filed a petition of settlement dated 12th June 1960. Later on the parties by another joint petition dated 20th June 1960 have asked the Tribunal just to pass the award in respect of all the issues in terms of the compromise already filed but to delete issue No. 19 in respect of which further negotiation is in progress. The original petition of settlement is asked to be modified in respect of issue No. 19 only.

Looking to the matter from a legal stand point I do not think that the present Tribunal is competent to delete any issue contained in the order of reference to it by Government, even though the parties might ask for it. But I can dispose of the said issue without any finding because the parties do not press for a decision thereon in terms of the compromise nor do they press for a finding from the Tribunal on that head. In other respects I find that the petition of settlement is quite in order and disposes of the matter involved in the present adjudication and as raised by the issues in the order of reference. So I pass an award in terms of the said petition of compromise which is incorporated as a part of my present order barring issue No. 19 which I dispose of without any finding as desired by the parties. The parties will be at liberty to have this matter mooted out and decided in a separate proceeding. The petition of settlement and the subsequent petition modifying it in respect of issue No. 19 are made a part of my present award, as per Appendix A and B respectively.

DHANBAD;
The 27th June, 1960.

Sd./- G. PALIT, Chairman,
Central Government Industrial Tribunal.
Dhanbad.

APPENDIX "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REF. NO. 33 OF 1959.

In the matter of the industrial dispute between the management and workmen of the Chirimiri Colliery of M/s. Chirimiri Colliery Coy., Nagpur.

Joint petition submitted on behalf of the workmen and the management of the above mentioned colliery.

The parties hereto have come to a settlement on issue Nos. 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, 17, 19, 22, 23, 24, and 32, and issues Nos. 5, 7, 9, 14, 15, 16, 18, 20, 21, 25, 26, 27, 28, 29, 30 and 31 have been withdrawn by the workmen. The parties pray that an award be made in terms of the settlement.

The parties hereto are happy to submit that the dispute referred to above has been satisfactorily settled in a spirit of mutual cooperation and hope that this agreement will pave the way for lasting industrial peace and improved production in the interest of the workmen and the Industry.

Terms of Settlement

Issue No. 1.—That the Federation will give specific cases of individual weekly paid workmen of the engineering Deptt. who have not been paid overtime for the period from Sept. 1948 to June 1952 for work done by them on Sundays and Holidays according to the terms of agreement dated 6th November 1954, and the management will look into these cases and made payments if due.

Issue No. 2.—That the Dak Messengers will be paid consolidated allowance of Rs. 15/- (Rs. Fifteen only) per month from 1st January, 1960. For the past period from 1st January, 1948 to 31st December, 1959 the Dak Messenger will be paid at the rate of Rs. 60/- (Rs. Sixty only) for each year in full and final settlement of his claims.

Issues Nos. 3 & 4.—That Hospital staff namely Compounders, Ward boys, Dressers and Sanitary Inspector who perform duty on Sundays will be paid overtime as prescribed under the Mines Act, from 1st May, 1960. For the past claims under this issue following payments (consolidated) will be made in full and final settlement.

(a) *Compounders*:—Rs. 240/- (Rs. two hundred and forty only) each.

(b) *Ward Boys*:—Rs. 150/- (Rs. one hundred and fifty only) each

(c) *Dressers*:—Rs. 150/- (Rs. one hundred and fifty only) each.

(d) *Sanitary Inspectors*.—Rs. 240/- (Rs. two hundred and forty only).

As the hospital cook is being paid overtime from September 1955 he will be paid overtime for working on rest days from 6th November 1954 to August, 1955.

Issue No. 5.—Withdrawn by the workmen.

Issue No. 6.—That the following consolidated payments will be made in full and final settlement of the past claims:—

- (a) *Chowkidars*.—Rs. 25/- each (Rs. twenty-five only.)
- (b) *Mining Sardars*.—Rs. 50/- each (Rs. fifty only.)
- (c) *Head Shot firers*.—Rs. 50/- each (Rs. fifty only.)
- (d) *Junior and Assistant Despatch Clerks*.—Rs. 50/- each (Rs. fifty only.)
- (e) *Telephone Operators*.—Rs. 50/- each (Rs. fifty only.)
- (f) *M/s. Abhiman and Bapurao*.—Rs. 25/- each (Rs. twenty-five only.)

All future payments will be made as prescribed under the Mines Act.

Issue No. 7.—Withdrawn by the workmen.

Issue No. 8.—That the Federation will give specific cases where overtime has not been paid for the period from September 1948 to June 1952 and the management will look into these cases and make payments if due.

Issue No. 9.—Withdrawn by the workmen.

Issue No. 10.—That Shri Fulchand will be placed in category X in view of his experience from 1st June 1960.

Issue No. 11.—That Shri T. Manikam Pillay will be paid a consolidated amount of Rs. 100/- (one hundred only) in full and final settlement of his claim prior to 25th May, 1956, after which he has been rightly categorised under the Award of the All India Industrial Tribunal (Colliery Disputes).

Issue No. 12.—That Shri Bachan will be paid a consolidated amount of Rs. 100/- (Rs. one hundred only) in full and final settlement of his claim prior to 26th May '56 after which he has been rightly categorised.

Issue No. 13.—That Shri Sadasingh and Shri Govindrao will be paid a consolidated amount of Rs. 100/- (Rs. one hundred) only, in full and final settlement of their claims prior to 26th May 1956, after which they have been rightly categorised.

Issues Nos. 14, 15 & 16.—Withdrawn by the workmen.

Issue No. 17.—That Shri Phonilal Ghosh will be given 55 days leave privilege from 1st January 1960 under the standing order 13 applicable to the monthly paid subordinate staff appointed before 1st January 1952 as a special case.

All other claims under this issue are withdrawn by the workmen.

Issue No. 18.—Withdrawn by the workmen.

Issue No. 19.—That monthly paid employees will get bonus on normal basic earnings (excluding the element of overtime) earned for overtime work done on Sundays, rest days and holidays from 1st January, 1952. Workmen agree to forego 1/3 (one third) of the total amount of the arrear payments calculated for the period from 1st January, 1952 to 31st December, 1959.

Issues Nos. 20 & 21.—Withdrawn by the workmen.

Issue No. 22.—That Shri Laxman will be paid a consolidated amount of Rs. 200/- (Rupees two hundred) only, in full and final settlement of his claim under this issue. It is understood that as a result of this settlement no increase in the present basic wages of Shri Laxman shall be effected.

Issue No. 23.—That the Federation shall give specific cases and the management shall look into them and make payments wherever due.

Issue No. 24.—That the assistant despatch clerks will be put in the Grade II of the Mazumdar Award with effect from 26th May 1956. These workmen shall continue to perform the same duties as at present.

Issues Nos. 25, 26, 27, 28, 29, 30 & 31.—Withdrawn by the workmen.

Issue No. 32.—That the three ex-Traffic Assistants now working as Loco-Drivers, namely M/s. Bagarsai, Rammilan and Kamla will be given double increments in their category (This will give them a starting basic pay of Rs. 56-03 (Rs. fifty-six and three Naye paise only) from 1st June, 1960.

It is clearly understood that the issues withdrawn by the Federation in the above settlement shall not be raised again.

It is further agreed that the payments due under the above settlement shall be made to the workers 3 months after the publication of the Award.

NAGPUR;

Dated the 12th June 1960.

For and on behalf of the
workmen of Chirimiri
Colliery.

Sd/- K. B. CHOUGULE.

Gen. Secretary, Chhattisgarh Colliery Workers
Federation, Chirimiri.

Witnesses:

1. Sd/- N. K. MUKERJI

For and on behalf of the
Chirimiri Colliery Coy.

Sd/- R. K. SARAN,

Gen. Manager, Chirimiri
Colliery Company, Nagpur.

2. Sd/- F. D. MISTRY

APPENDIX B

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 33 OF 1959

In the matter of the Industrial Dispute between the management and the workmen of the Chirimiri Colliery of M/s. Chirimiri Colliery Co., Nagpur.

Joint petition submitted on behalf of the Management and the Workmen of the above-mentioned Colliery

May it please the Hon'ble Tribunal,

(1) That the parties in the above dispute have filed a settlement, dated the 12th June, 1960 praying that an Award be made in terms of that settlement.

(2) That issue No. 19 mentioned on page 3 of the said settlement needs further discussion and clarification and as such the parties pray that the Hon'ble Tribunal may kindly delete the said issue from the said settlement and pass an Award in terms of the settlement, dated 12th June, 1960 on all other issues.

(3) That the parties hope to reach a settlement even on issue No. 19 and when such settlement is reached the parties shall file the same and in case of failure shall pray for adjudication on that point alone.

MANENDRAGARH;

Dated the 20th June, 1960.

For and on behalf of the workmen of
Chirimiri Colliery:

(Sd.) K. B. CHOUGULE,

General Secretary,
Chhattisgarh Colliery Workers
Federation, Chirimiri.

For and on behalf of the
Chirimiri Colliery Coy.

(Sd.) R. K. SARAN,

General Manager,
Chirimiri Colliery Company,

Witnesses:

1. GULAB GUPTA.

2. D. A. JANKAR.

Nagpur.

(Sd.) Illegible.
27-6-1960.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

[No. 53/1/10/58-LR. II.]

S.O. 1763.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Chirimiri Colliery and their workmen represented by Chhattisgarh Colliery Workers Federation, Chirimiri.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT 12 OF 1960.

Employers in relation to the Chirimiri Colliery.

AND

Their workmen represented by the Chhattisgarh Colliery Workers Federation.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Bombay, the 28th June, 1960

On record;

For the employers.—Shri D. O. Sanghvi, Advocate, instructed by Shri R. K. Saran, General Manager, Chirimiri Colliery Company.

For the workmen.—Shri K. B. Chougule, and Shri Gulab Gupta, General Secretary and Vice-President respectively of the Chhattisgarh Colliery Workers Federation.

STATE: Madhya Pradesh.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/67/59-LRII dated 28th January, 1960, made on a joint application of the parties was pleased in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), to refer the industrial dispute between the parties above-named for adjudication to me as Industrial Tribunal, in respect of the subject matters specified in the schedule to the said Order.

1. (a) Whether the dismissal of Shri C. K. Naidu, ex-Provident Fund Clerk of Chirimiri Colliery from the services of the Colliery with effect from 21st June, 1958, is lawful and justifiable.

(b) If not, to what relief he is entitled.

2. What should be the rate of allowance payable to the loaders of Chirimiri Colliery for pushing of empty tubs and from what date it shall be payable.

2. After the usual notices were issued on the parties the written statement of claim dated 8th March, 1960, was filed by Shri Gulab Gupta, Vice-President Chhattisgarh Colliery Workers Federation to which the company filed its written statement in reply dated 8th April, 1960, which was signed on its behalf by Shri R. K. Saran its General Manager. The hearing was thereafter fixed for 23rd April, 1960, but on the request of the parties for an adjournment on the ground that they were negotiating for a settlement, the hearing was adjourned to 23rd May, 1960. On further requests from the parties in order to enable them to proceed with their discussions and negotiations, the hearing was first adjourned to 8th June and then to 23rd June, 1960. On 15th June, 1960, the Tribunal received a letter signed by the General Manager of the Chirimiri Colliery Company dated 13th June, 1960, enclosing terms of settlement which had been reached between the parties on the two demands forming the subject matter of this Reference and praying that an award be made in terms thereof. A copy of the said terms of settlement dated 12th June, 1960, signed by the representatives of both the parties is attached and marked annexure 'A'. Thereafter, the parties by a telegram dated 20th June, 1960, informed the Tribunal that modified terms of settlement on issue No. 2 reached between the parties were being forwarded and prayed for the same be taken on record. The modified terms of settlement on

issue No. 2 were received on 24th June, 1960, a copy of which is annexed hereto and marked annexure 'B'. A copy of the modified terms of settlement on issue No. 2, was also filed on 25th June 1960 by Shri D. O. Sanghvi, Advocate for the employers, along with an application praying that an award be made in terms of the settlements reached between the parties.

As I am satisfied that the terms of settlement reached between the parties dated 12th June, 1960 and the modified terms of settlement on issue No. 2 dated 20th June, 1960, are fair and reasonable I make an award in terms of the settlement dated 12th June, 1960, as modified by the terms of settlement on issue No. 2 dated 20th June, 1960.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Additional Industrial
Tribunal, Bombay.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT BOMBAY

REF. NO. CGIT 12 OF 1960

In the matter of the Industrial Dispute between the management and workmen of the Chirimiri Colliery, of M/s. Chirimiri Colliery Company, Nagpur.

Joint Petition submitted on behalf of the workmen and the management of the above-mentioned colliery.

The parties hereto have come to a settlement on both the issues in reference No. CGIT 12 of 1960 and pray that an Award be made in terms of the settlement.

The parties hereto are happy to submit that the dispute referred to above have been satisfactorily settled in a spirit of mutual cooperation and hope that this agreement will pave the way for lasting Industrial Peace and improved production in the interest of the workmen and the Industry.

Terms of Settlement

Issue No. 1

(a) "Whether the dismissal of Shri C. K. Naidu ex-Provident Fund Clerk of Chirimiri Colliery from the services of the Colliery with effect from 21st June 1958 is lawful and justifiable".

(b) "If not to what relief he is entitled".

That Shri C. K. Naidu shall be paid a sum of Rs. 10,000/- (Rs. Ten Thousand only) in full and final settlement of all his dues from the Company and the management shall withdraw the order of dismissal issued to Shri C. K. Naidu and Shri Naidu shall be deemed to have resigned his post on 21st June 1958. The amount shall be payable to Shri Naidu after he gives vacant possession of the Company's quarter which is at present occupied by him to the manager, Chirimiri Colliery.

Issue No. 2

"What should be the rate of allowance payable to the loaders of Chirimiri Colliery for pushing of empty tubs and from what date it shall be payable."

(a) That the management shall pay a sum of Rs. 55,000/- (Rs. Fifty-five Thousand only), in full settlement of the claim of the loaders for pushing of empty tubs till the date of this settlement and the said amount of Rs. 55,000/- shall be distributed to the loaders of Chirimiri Colliery in the manner agreed to mutually by both the parties, but in no case the amount shall exceed Rs. 55,000/- (Rs. Fifty-five thousand).

(b) That on and from 13th June 1960 the loaders shall be paid the following rate for pushing of empty tubs:—

For:

0' to 500'	..	40 NPs. per tub (Forty Naya Paisas)
501' to 650'	..	50 Nps. per tub (Fifty Naya Paisas)
651' to 800'	..	60 NPs. per tub (Sixty Naya Paisas)
801' to 1000'	..	80 NPs. per tub (Eighty Naya Paisas)

It is further agreed that the payment for issue No. 2 shall be made three months after the publication of the Award.

NAGPUR;
The 12th June, 1960.

For and on behalf of the workmen
of Chirimiri Colliery:

K. B. CHOUGULE,
Gen. Secretary, Chhattisgarh
Colliery Workers Federation
Chirimiri.

For and on behalf of the
Chirimiri Colliery Coy.,
R. K. SARAN,
Gen. Manager, Chirimiri
Colliery Company, Nagpur.

Witnesses:—

1. N. K. MUKERJI.
 2. F. D. MISTRY.
- Taken on file.

Sd/-
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.
27-6-60.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT BOMBAY

REF. NO. CGIT 12 OF 1960

In the matter of the Industrial Dispute between the management and workmen of the Chirimiri Colliery of M/s. Chirimiri Colliery Company, Nagpur.

Joint Petition submitted on behalf of the Workmen and the Management of the above mentioned Colliery.

May it please the Hon'ble Tribunal,

(1) That the parties in the above dispute have entered into a settlement on all the issues under the above reference. The said settlement has been filed before this Hon'ble Tribunal with the prayer that an Award be made in terms of the settlement.

(2) That para 'B' of issue No. 2 where the rates for pushing of empty tubs have been detailed, in the settlement, is not clear and, therefore, in order to make the terms of the settlement absolutely clear, the parties pray that the following paragraph be taken on record in place of paragraph 'B' of issue No. 2, as it appears in the settlement dated 18th June, 1960.

Subjected Paragraph

"Issue No. 2 'B'.—That on and from 18th June, 1960, the loaders shall be paid the following rates for pushing of empty tubs:

For a distance of:—

0 to 500 ft.—Rs. 0.40 nP. per tub (Forty naye paise only).

Over 500 ft. to 650 ft.—A total amount of Rs. 0.50 nP. (Fifty naye Paise) per tub.

Over 650 ft. to 800 ft.—A total amount of Rs. 0.60 nP. (Sixty naye Paise) per tub.

Over 800 ft. to 1,000 ft.—A total amount of Rs. 0.80 nP. (Eighty naye Paise) per tub.

For example a loader shall be paid forty naye paise for pushing an empty tub upto any distance between 0 and 500 ft. and similarly fifty, sixty and eighty

naye Paise for pushing a tub over a distance of more than 500 ft. but less than 650 ft., for more than 650 ft. but less than 800 ft. and more than 800 ft. but less than 1,000 ft. respectively shall be paid".

Manendragarh, Dated the 20th June, 1960

For and on behalf of the workmen
of Chirimiri Colliery;

E. B. CHOUGULE,
Gen Secretary, Chhattisgarh Colliery
Federation, Chirimiri.

For and on behalf of the
Chirimiri Colliery Coy.

B. K. SARAN,
Gen. Manager, Chirimiri Colliery
Company, Nagpur.

Witnesses: (1) GULAB GUPTA.

(2) D. A. JAMADAR.

Taken on file.

Sd/-

Presiding Officer,
Central Government Industrial Tribunal,
Bombay.
27-6-60.

[No. 2/67/59-LRII.]

New Delhi, the 11th July 1960

S.O. 1764.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Indian Bank Ltd., Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-18 of 1960

Employers in relation to the Indian Bank Ltd., Bombay

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Bombay, the 30th June 1960

APPEARANCES:

For the employers: Shri H. Ramanathan, Law Officer.

For the workmen: Shri V. Krishnan, President and Shri M. Ramamoorthy,
General Secretary, Indian Bank Employees' Union, Bombay

STATE: Maharashtra.

INDUSTRY: Banking.

AWARD

The Central Government by Ministry of Labour and Employment's Order No. 10(23)/60-LRII, dated 19th April 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order:

SCHEDULE

"Whether the five employees of the Indian Bank Limited, Bombay whose names are mentioned below are entitled with effect from the 1st July, 1959, to any special allowance as prescribed in paragraph 164(b) of the Sastry Award as modified by the decision of the Labour Appellate Tribunal in the manner referred to in section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of

1955), having regard to the duties performed and responsibilities held by them and if so, how much?

- (i) Shri P. S. Narayanaswamy.
- (ii) Shri B. R. Baliga.
- (iii) Shri Y. B. Shenoy.
- (iv) Shri V. Krishnan.
- (v) Shri G. S. Somayajulu."

2. After the parties filed their written statements the dispute was fixed for hearing at Bombay on 27th June 1960 and the parties were heard on the 28th instant. They were then granted time to consider a suggestion for settlement made by the Tribunal. Finally, at the hearing today i.e. 30th June 1960, the parties filed a joint application containing the terms of settlement reached between them and prayed that an award be made in terms thereof. A copy of the said application containing the terms of settlement is annexed hereto and marked annexure 'A' and I make an award in terms thereof.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Additional Industrial Tribunal, Bombay.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-18 of 1960

Employers in relation to the Indian Bank Ltd., Bombay

AND

Their workmen.

May it please your Honour,

We, the parties to the above dispute, have agreed to the following terms of settlement and pray that an award be made in terms thereof:—

"Without prejudice to the contentions of either party, as a matter of compromise, the Bank agrees to pay to each of the five employees only viz.,

- 1. Shri P. S. Narayanaswamy.
- 2. Shri B. R. Baliga.
- 3. Shri Y. B. Shenoy.
- 4. Shri V. Krishnan.
- 5. Shri G. S. Somayajulu.

concerned in this Reference the special allowance of Rs. 50 per month effective from 1st July 1959 till such time as each of them continues to do the additional work allotted to him."

BOMBAY;

The 30th June, 1960.

For and on behalf of the Indian Bank Ltd., For and on behalf of the workmen.
Bombay. (Sd.) Illegible.
(Sd.) Illegible. President, Indian Bank Employees
Union, Bombay.

WITNESS:

(Sd.) Illegible.

Accountant, Indian Bank Ltd.
(Fort Branch), Bombay.

Taken on File.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Govt. Industrial Tribunal, Bombay.

[No. LR11-10(23)/60.]

S.O. 1765.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Tandur and Navandgi Stone Quarries (P) Ltd., Basheerabad, Andhra Pradesh and their workmen.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL, BOMBAY**

REFERENCE CGIT No. 10 of 1960

Employers in relation to the Tandur and Navandgi Stone Quarries (P)
Ltd., Basheerabad, Andhra Pradesh.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Bombay, the 30th June, 1960.

APPEARANCES:

For the employers: Shri B. Narayanaswamy, Advocate, with Shri P. I. Reddy, Director and Secretary and Shri Manik Arke, Assistant Manager of the Tandur and Navandgi Stone Quarries (P) Ltd.

For the workmen: Shri D. H. Dharap, Pleader, Shri G. Venkat Swamy, President and Shri S. Chandrasekhar, General Secretary, Tandur Stone Quarries Labour and Employees' Union and later also Shri N. S. Deshpande, General Secretary, Rashtriya Mill Mazdoor Sangh, Bombay.

STATE: Andhra Pradesh.

INDUSTRY: Stone quarrying.

AWARD

The Central Government by Order No. LR II-63(11)/58, dated 1st May 1959 and by Order No. LR II-63(11)/58, dated 14th August 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer this industrial dispute for adjudication to the Industrial Tribunal consisting of Shri F. Jeejeebhoy, then Chairman, Labour Appellate Tribunal of India, as Presiding Officer. Thereupon, the parties filed their respective written statements before that Tribunal, but before the dispute could be taken up for hearing, the Central Government, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased, by its Order No. 4/12/60-LR II-1, dated 21st January 1960 as amended by order No. 4/12/60-LR II-1, dated 4th February 1960, for the reasons stated therein, to transfer the said dispute to me as the Presiding Officer of the Central Government Additional Industrial Tribunal, Bombay, for adjudication to me in respect of the matters specified in the schedules to the said Orders, which are as follows:—

- (a) Whether for breaking 'Porka Thargu' and similar type of thick layers of lime stone classifying them as Dind breaking, payment should be made at the rate of Rs. 40 per 1,000 cubic feet, and if so, whether this rate should be from the 1st January, 1955?
- (b) Whether for carrying and throwing away of stone pieces after Dind breaking, payment should be made at the rate of Rs. 10 per 1,000 cubic feet?
- (c) Whether extra wages at the rate of Re. 1 be paid for every 100 square feet of cut stone for the removal of stone pieces after sizing and cutting of the stone.
- (d) Whether extra wages at the rate of Re. 1 and 50 Naye Paise be paid for every 100 square feet of cut stones for the carrying of cut stones from the quarry pit to the surface.
- (e) Whether bonus be paid for the years 1952-53, 1953-54, 1954-55, 1955-56, 1956-57 and 1957-58 at 50 per cent of the net profit of such year? If not, at what rate should it be paid?

- (f) What shall be the rate of wages per 1,000 cubic feet of Dind breaking and from what date it shall be operative?
- (g) What shall be the rate of wages per 100 square feet of stone sizing and stone cutting for each of these operations and for combined operations, and from what date the rates shall be operative?
- (h) What shall be the daily rates of wages for unskilled mazdoors—men and women—and from what date the rates shall be operative?
- (i) What shall be the rate of wages per 1,000 cubic feet of earth work and from what date it shall be operative?
- (j) What shall be the rates of wages for loading and unloading lorry, for each of these operations and for both the operations together; and from what date the rates shall be operative?"

2. At the hearing of the dispute before me on 14th March 1960 it was decided, by consent of parties to inspect the quarries of the employer company at Navandgi, for a proper appreciation of the points of dispute under reference. Accordingly, in the presence of representatives of both parties, I inspected the working of the Karankote and Malkapur quarries on 5th April 1960 and the Korvachud (Kodcharla) and Navalga quarries on 6th April 1960. I also saw the operation of unloading of cut and sized pieces of "farshi" at the railway yard at Navandgi.

3. The Tandur and Navandgi Stone Quarries (Private) Ltd., (hereinafter called the company), was formed in 1952. It has taken several quarries on lease and at present has about 10 or 12 quarries which form one sales syndicate. This company is admittedly one of the leading companies operating stone quarries in Andhra Pradesh and it employs a large number of workers for the work of its quarries.

4. The history of this dispute is that on 1st February 1958 the Tandur and Navandgi Stone Quarries Labour and Employees' Union was formed and on 8th December 1958 a set of demands was forwarded to the management. Upon the refusal of the management to concede these demands there was a strike from 17th January 1959 which lasted for about a week. As a result of the intervention of the State Government some settlement was reached between the management and the union and the strike was called off. The dispute was, thereafter, referred for adjudication to the State Tribunal by the State Government but it held that the reference by the State Government was not valid as the appropriate Government for the purposes of the Industrial Disputes Act, 1947, in respect of this industry was the Central Government and not the State Government. Thereupon, the dispute was taken up in conciliation by the Regional Labour Commissioner, Central in respect of some 13 demands but there was no settlement and he submitted his failure report dated 14th February 1959, after which the dispute was referred for adjudication by the Central Government as stated above.

Demand (a) Whether for breaking 'Porka Thargu' and similar type of thick layers of lime stone classifying them as Dind breaking, payment should be made at the rate of Rs. 40/- per 1,000 cubic feet, and if so, whether this rate should be from the 1st January, 1955?

5. At present for breaking 'Porka Thargu', the rate paid by the company is Rs. 25 for 1,000 cubic feet, which is the rate fixed by Government under the Minimum Wages Act. The parties stated before me that the Andhra Pradesh Government had appointed a Committee for the revision of minimum wages for stone breaking and stone crushing, of which committee one of the directors of this company, Shri P. I. Reddy, as well as one of the office bearers of this union were members. The Committee has submitted its Report and has recommended a certain rate for breaking 'Porka Thargu'. After some discussion, the parties were agreeable that Rs. 30 for 1,000 cubic feet should be the rate for breaking 'Porka Thargu', and I award accordingly.

6. The union has demanded that the rate fixed by this award should be granted with retrospective effect from 1st January 1955. The original reference on this demand was made on 1st May 1959, and remembering the remarks of the Calcutta High Court in the case of The Bengal Electric Lamp Works Ltd. and its Workmen (1958 1 LLJ P. 571) I am not satisfied that this demand can be granted with retrospective effect from a date earlier than the date of the order of reference. I, therefore, direct that the rate of Rs. 30/- for 1000 cubic feet for breaking 'Porka Thargu' should come into operation from 1st May 1959, the date of the first order of the Central Government referring this dispute to adjudication.

(b) Whether for carrying and throwing away of stone pieces after Dind breaking, payment should be made at the rate of Rs. 10/- per 1,000 cubic feet?

7. This is really a claim for payment of what is known as "lead"—for carrying and throwing away pieces of stone from the work site to another place some distance away. After some discussion at the hearing, it was agreed that up to 30 ft. there should be no payment for lead and that for every additional 30 feet or fraction thereof, lead should be paid for at the rate of 75 NP. for 1000 cubic feet and 1 award accordingly.

(c) Whether extra wages at the rate of Re. 1/- be paid for every 100 square feet of cut stone for the removal of stone pieces after sizing and cutting of the stone?

8. This is a demand for "lift". At the hearing it was agreed that there should be no payment for the first 9 feet of lift but for every additional three feet or fraction thereof the payment should be made at the rate of 75 NP. for 1000 cubic feet, and 1 award accordingly.

9. I may make it clear that "lead" and "lift" once worked out, cannot be measured and therefore the rate agreed to and awarded, must necessarily be from a prospective date. The rates for lead and lift will, therefore, come into operation from the date on which this award becomes enforceable.

(d) Whether extra wages at the rate of Re. 1/- and 50 Naye Paise be paid for every 100 square feet of cut stones for the carrying of cut stones from the quarry pit to the surface?

10. In support of this demand the Union has stated that in Malkapur and Navalga stone quarries, the management was paying different rates of wages for this work. It is stated that at Malkapur the rate is Rs. 3/- for 1000 cubic feet for the depth from 18 ft. to 20 ft. and distance over and above 150 feet. At Navalga the rate is Rs. 2/- for 1000 cubic feet for depth of 10 to 15 feet and distance above and over 150 feet. The union has argued that the conditions at Tandur are quite different from those at Malkapur and Navalga and hence are not comparable. The company in its written statement in reply has stated that it was making these extra payments although there was no provision for such payments under the Minimum Wages Act. At the hearing it was explained that at Malkapur a higher rate was being paid because there the trucks cannot go up to the working face, but could do so at the Navalga quarry. The company has also filed a statement showing the different rates for this payment at its different quarries and for the different sizes of the stones. After hearing the submissions of the parties, I am not satisfied that a case has been made out by the union for the increase it has claimed.

(f) What shall be the rate of wages per 1,000 cubic feet of Dind breaking and from what date it shall be operative?

11. At present the rate of wages for 1000 cubic feet of "dind" breaking is Rs. 40/-, which is the rate fixed under the Minimum Wages Act. As I have stated earlier, Government has appointed a Committee for the revision of minimum wages for stone breaking and stone crushing and the parties were agreeable to a rate of Rs. 45/- for 1000 cubic feet of dind breaking and 1 award accordingly. As regards the date from which this demand should be granted I find that the original order of reference was made on 1st May 1959 and I award that the enhanced rate for dind breaking shall come into force from 1st May 1959.

(g) What shall be the rates of wages per 100 square feet of stone sizing and stone cutting for each of these operations and for combined operations, and from what date the rates shall be operative?

12. The union in its statement of claim has demanded a rate of Rs. 4/- for 100 square feet for stone cutting and a similar rate for stone sizing, if these processes are done separately by different persons. If, however, both these operations are done by a single person, i.e., if a worker is asked to both size and cut the stone, then the union demands that the rate should be Rs. 7/- per 100 square feet. It further demands that this rate should be granted retrospectively from 1st January 1955. The company in its written statement in reply has pointed out that cutting and sizing are not two separate operations as alleged by the Union. It has contended that sizing is but a preliminary operation as it is merely the marking of the size to be cut and involves no time and strain and this process is an integral and necessary part of stone cutting. It has submitted that sizing and cutting is a single and simple operation. During my inspection of the quarries at Malkapur and Navalga I had an opportunity to see the work of sizing and

cutting which forms the subject matter of this demand and I am inclined to hold that the submissions of the management with regard to the nature of these two operations are correct. Sizing is merely marking with a piece of stone the size of the "farshi" to be cut and it seemed to me that it was an integral part of the operation of cutting the farshi. The management has further submitted that the present rate of Rs. 2.25 nP. is in excess of the rates fixed by the minimum wages Committee which rate is Rs. 2/- for cutting, inclusive of sizing, for 100 square feet. The union suggested that there should be a revision of the existing rates on the lines of the recommendation of the Committee for the revision of minimum wages for stone breaking and stone crushing, whose Report has already been submitted to the Andhra Pradesh Government. If the revised rate fixed by Government is higher than the prevailing rate in force in the company, the management will be bound in law to pay the same and therefore no direction to that effect is necessary in this award. If, however, the rate fixed by the Government on the recommendations of the Committee for revision of rates is lower than the existing rate in the company, it shall continue to pay the existing rates for sizing and cutting. The revised rates if applicable to this company shall come into force from the date to be fixed under the Government orders.

(h) *What shall be the daily rates of wages for unskilled mazdoors—men and women—and from what date the rates shall be operative?*

13. The union in its statement of claim has demanded that Rs. 3/- per day should be paid to males and Rs. 2/- for females, and that these rates should come into force from 1st January 1955. At the hearing the parties were agreeable to the daily minimum wages being Rs. 1.75 nP. for men and Rs. 1.50 nP. for women. This is also a subject matter of reference to the Committee for the revision of minimum wages for stone breaking and stone crushing and on which it has made a recommendation. If the rates fixed by the Government on the recommendations of the revision Committee are higher than what is agreed to as stated above, the company shall pay that rate from the date fixed by the Government. The agreed rates of Rs. 1.75 for men and Rs. 1.50 for women shall come into operation from 1st May 1959 and I award accordingly.

(i) *What shall be the rate of wages per 1,000 cubic feet of earth work and from what date it shall be operative?*

14. The union in its statement of claim has urged that the earth work is the hereditary vocation of a community of workers known as Moti Voders. It has urged that earth work in stone quarries is rather a hard job as the mazdoor has to cut and dig the earth through stones also. It has, therefore, claimed a rate of Rs. 50/- for 1000 cubic feet of earth work and it has further claimed that this rate should be paid with effect from 1st January 1955. The company in its written statement in reply has denied that only Moti Vadders do earth work and has urged that they also do the work of breaking dind and stone cutting. The company has pointed out that earth work is an unskilled and mechanical type of work and that the existing rate of Rs. 25/- is reasonable and proper and does not require revision. It has also opposed the demand for retrospective effect from 1st January 1955. At the hearing however, the parties were agreeable to a rate of Rs. 30/- for 1000 cubic feet or a daily wages of Rs. 1.75 and I accordingly award that rate. This rate will take retrospective effect from 1st May 1959.

(j) *What shall be the rates of wages for loading and unloading a lorry, for each of these operations and for both the operations together; and from what date the rates shall be operative?*

15. The union in its statement of claim has urged that considerable care has to be exercised in loading or unloading "farshis" into or from a lorry, to prevent their breakage. It has claimed a rate of Re. 1/- per ton or Rs. 6/- per lorry for this work, with retrospective effect from 1st January 1955. The management in its written statement in reply has clarified that where the same set of persons load and unload the present rate is Re. 1/-; but where by reason of distance and inconvenience the same set of workers cannot do both loading and unloading e.g. at Tandur, the existing rate is Rs. 1/4/- for loading and Rs. 1/4/- for unloading. It has observed that under the Minimum Wages Act the rate fixed is Rs. 1/8/- only per trip, of both loading and unloading and it has submitted that compared to that the rates of wages paid by it are fair and reasonable. However, at the hearing the parties were agreeable to a rate of 50 nP. per ton for both loading and unloading lorries, and I award accordingly. The revised rate shall come into effect from 1st May 1959.

16. I may state that in fixing the date from which the rates fixed by me under this award should come into force, I have taken into account the fact that this

dispute was raised long before 1st May 1958, the date on which the order of reference was first made to the Central Government Industrial Tribunal. Considerable time was lost when the dispute was pending before the State Industrial Tribunal. The Regional Labour Commissioner made his failure report on 14th February 1959. Considering all these circumstances, I think that the reasonable date from which the enhanced rates fixed by me should come into operation should be the date on which the first order of reference was made to the Central Government Industrial Tribunal i.e. from 1st May 1959, except where I have specifically directed otherwise. In fixing the date of retrospective effect, I have also taken into account the undoubted financial capacity of this company to meet this extra burden.

(e) *Whether bonus be paid for the years 1952-53, 1953-54, 1954-55, 1955-56 1956-57 and 1957-58 at 50 per cent of the net profit of such year? If not, at what rate should it be paid?*

17. The management in its written statement has urged that the demand for bonus for all the years under reference is belated. But at the hearing Shri Narayanaswamy, the learned Advocate for the company, conceded that the demand was not belated with regard to the demand for bonus for the years 1956-57 and 1957-58. Therefore, the first question to determine is whether the demand for bonus for the four years 1952-53 to 1955-56 cannot be entertained on the ground of belatedness. It is admitted that the demand for bonus for these years was first made in December 1958 and that the financial year of the company ends in September of each year. Shri Deshpande for the workmen has urged that the demand should not be considered belated because it was made in December 1958, after the workmen had been organised the present union which was registered in February 1958 and the management had denied liability to pay bonus to the workers in the quarries on the ground that they were independent contractors and not its workmen. Shri Deshpande has further urged that belatedness was not one of the grounds on which the management had opposed the demand during conciliation proceedings. On the other hand, Shri Narayanaswamy in support of his contention has relied upon the decisions of the Labour Appellate Tribunal in the cases of the Mysore City Hotel Association (1957 1 LLJ page 282), Kashi Iron Foundry (1952 1 LLJ page 199) Karim Bidi Factory (1955 1 LLJ page 530) and Burman-Shell Oil Storage and Distributing Company of India Ltd., (1954 1 LLJ page 121). In the Mysore City Hotel Association's case the well established principle settled by a series of earlier decisions of the Labour Appellate Tribunal, that if the claim for bonus is made long after the year for which the bonus is claimed has ended and the accounts have been closed, the Tribunal would be justified in rejecting such a belated claim, was accepted. Bearing in mind these principles and also the fact that what is belated depends upon the facts and circumstances of each case, and after considering the facts of this case and the submissions of the parties, I would uphold the contention of Sri Narayanaswamy and hold that the demand for bonus for the years 1952-53, 1953-54, 1954-55, and 1955-56 is belated as it was made only in December 1958 long after the accounts for those accounts had ended and as such not maintainable. I, therefore, proceed to consider the demand for bonus for the years 1956-57 and 1957-58.

The company has in these proceedings filed its audited balance sheets and profit and loss accounts for each of these years and has also given inspection thereof to the union. This is a private limited company and the accounts have been filed as confidential information under section 21 of the Industrial Disputes Act and I cannot, therefore, disclose the particulars of the relevant items which are necessary for the application of the Full Bench Bonus Formula. At the hearing both parties applied the Full Bench bonus formula of the Labour Appellate Tribunal as laid down in Appeals (Bom) Nos. 1 and 5 of 1950—The Millowners Association, Bombay vs. The Rastriya Mill Mazdoor Sangh, Bombay and another (1950 II L.L.J. page 1247), to determine what was the amount of the residuary surplus left from the gross profits after making provision for the prior charges. In applying the formula Shri Narayanaswamy very fairly stated that the company was not claiming any provision for the prior charges of (a) rehabilitation and (b) return on reserves employed as working capital during each of the two years, as no reserves were so employed. The only prior charges for which Shri Narayanaswamy claimed provision were :—

- (1) Statutory Depreciation,
- (2) Taxation and
- (3) Return on paid-up capital @ 6%.

The claim on the heads for statutory depreciation and return on paid up capital were not disputed by Shri Deshpande, who also admitted the rate for provision for income tax, though he disputed the quantum of the provision to be made on the ground of his having denied the deduction, of the amount of extraneous profits, from the amount of net profits, claimed by the company. As the extraneous profits were profits earned by the company to which the workmen had not contributed in any manner, I allow the Company's claim on that score. The residuary surplus, after making provision for the prior charges as stated above was worked out by Shri Narayanaswamy to be Rs. 79,900 for 1956-1957 and Rs. 96,200 for 1957-1958 and he claimed half of these amounts for the Company for development and other purposes. According to Shri Deshpande the residuary surplus for 1956-1957 would be Rs. 69,300 and for 1957-58 Rs. 81,000. Shri Deshpande, however, strenuously argued that the residuary surplus for each of those years should be treated as equal to double those amounts i.e. Rs. 1.46 lacs for 1956-1957 and Rs. 1.65 lacs for 1957-1958, as according to him the company would be saving an equal amount by way of **taxation** if the whole of the residuary surplus of Rs. 69,300 for 1956-1957 and Rs. 81,000 for 1957-1958 were to be distributed as bonus. I am unable to accept this contention of Shri Deshpande, as it has never been the practice of tribunals to give the whole of the residuary surplus to labour simply because the management would get a rebate on income-tax on the bonus amount paid. It may be stated that the company for the years 1956-57 and 1957-58 has already paid bonus equivalent to three months wages amounting to Rs. 32,400/- and Rs. 30,000/- respectively, to its monthly rated staff, such as clerks, lorry drivers, cleaners, measurement takers and others, numbering 59. But it has not paid anything to the workers who actually work in the quarries and do polishing work. After working out the residuary surplus as stated above and adding thereto the tax rebate on bonus paid and adding thereto the amount of bonus already paid, Shri Narayanaswamy has stated that Rs. 24,200 for 1956-57 and Rs. 33,600 for 1957-1958 would be available to the workmen as bonus. After a consideration of the facts and circumstances of the case, I think it would be fair to award bonus equivalent to Rs. 30,000/- for 1956-57 in addition to the bonus of Rs. 32,000/- already paid by the company to its 59 monthly rated workmen and bonus of Rs. 40,000/- for the years 1957-58 in addition to the bonus of Rs. 30,000/- already paid for that year to its 59 monthly rated workmen. These amounts will be distributed by the management between its piece-rated workmen whom it calls its "individual contractors"—in the quarries and the polishers, pro rata on the basis of their annual earnings for the respective years. According to a statement filed by the company, during the year 1956-57 there were on an average 469 piece-rated workers (individual contractors) and 389 polishers and in 1957-58 there were on an average 579 individual contractors (piece-rated workers) and 423 polishers, and Shri B. Narayanaswamy had offered to distribute the amount of bonus among these workers for the years 1956-1957 and 1957-1958 and I direct that the amount of bonus awarded therein shall be distributed amongst these workmen pro rata to their earnings for these years. It must, however, be made clear that the actual number of workers working in these Company's quarries as much larger and the union placed their number at over 2,000. It is to be hoped that whilst distributing the amount of bonus among the "individual contractors" and polishers, the management will endeavour to see that these "individual contractors" in their turn pay the workers whom they engaged their due share of the bonus awarded.

The 59 monthly-rated workmen who have already been paid three months wages as bonus for the year 1956-1957 and 1957-58, shall not be entitled to any additional bonus under this award.

I direct that the amounts of bonus as awarded should be paid within one month from the date this award becomes enforceable.

I further clarify that all the payments to be made under this award on the other demands under reference shall also be paid within one month of the award becoming enforceable.

The union applied for payment to it of the costs and expenses incurred by it in bringing its representatives to Bombay for the purpose of this adjudication and for the charges for the period of their stay in Bombay and also for costs of this case. It appears that at the hearing on 24th May, 1960, 9 representatives of the union [six workmen (witnesses) and 3 union officials] were present and an equal number was present for the hearing from 15th June to 17th June 1960. Thereafter, three representatives of the union were in Bombay on 21st and 22nd June 1960, on which latter date the hearing concluded. The single third class railway fare

from Navandgi to Bombay is about Rs. 15/- and the first class fare is about Rs. 44/-. Thus, the union for the two occasions on which it had to bring its six workmen witnesses to Bombay had to incur for them an expenditure by way of railway fare of about Rs. 360/-. Of the three office bearers of the union, in my opinion two would be entitled to first-class railway fare and one to second class fare, which for the two trips to Bombay (return fare for each trip) would amount approximately to Rs. 252/- and Rs. 88/- respectively. In all, the six workmen stayed in Bombay for four days for which I would award them Rs. 72/- as daily allowance. With regard to the three office bearers of the union, in addition to their railway fares, they should be paid a daily allowance of Rs. 10/- per day for the number of days they stayed in Bombay as stated above for this adjudication and I direct that these amounts together with Rs. 100/- as costs of the case should be paid by the management to the representatives of the union on record within a week of the publication of this award.

Sd./- SALIM M. MERCHANT,
Presiding Officer.
Central Government Additional Industrial
Tribunal, Bombay.

[No. 63/11/58-LR-II.]

S.O. 1766.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the East Bastacolla Colliery, P.O. Dhansar, District, Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 3 of 1960

PARTIES:

Employers in relation to the East Bastacolla Colliery, P. O. Dhansar, Dt. Dhanbad.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, Advocate, *for the employers.*

Shri S. Das Gupta, Secretary, with Shri B. N. Sharma, Member Executive Committee, Colliery Mazdoor Sangh, *for the workmen.*

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 27th June 1960

AWARD.

The Government of India, Ministry of Labour and Employment, by its Order No. LR II-2(200)/59, dated the 4th January, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 47) referred the above mentioned dispute to the Central Government Industrial Tribunal at Dhanbad presided over by Shri Salim M. Merchant for adjudication, in respect of matters contained in the schedule below:—

SCHEDULE

"Whether the action of the management of East Bastacolla Colliery, Post Office Dhansar, in not allowing Shri Uday Bhogta, Miners' Sirdar, to resume duty after the strike in the said colliery which began from 14th July, 1959, was called off, when all other workers were allowed to resume duty, is justified. If not, to what relief he is entitled?"

2. Thereafter as the service of Shri Salim M. Merchant was not available consequent on his transfer to Bombay bench the aforesaid dispute was withdrawn under Section 33B(1) of the Industrial Disputes Act, 1947 and transferred by the Ministry of Labour and Employment Order No. 4/47/59-LRII dated the 13th

January, 1960, to the Central Government Industrial Tribunal at Dhanbad presided over by me for adjudication.

3. I do not think it worthwhile just to go into the facts involved in the case because the parties have reached a settlement out of court and have filed a petition of compromise in this case. I have gone through the terms of the said compromise and find them acceptable. Accordingly I pass my award in terms of the said petition of compromise as per Appendix 'A' and dispose of this reference.

DHANBAD;
The 27th June, 1960.

Sd./- G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

APPENDIX "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 3 OF 1960

Employers in relation to East Bastacolla Colliery

AND

Their Workmen

The above-named Parties—Most respectfully state—

That without prejudice to the contention of the parties the reference has been amicably settled between the parties on the following—

Terms.

1. That Sri Udai Bhagat, the Workman concerned in the Reference will be reinstated in service on his reporting for the same with half back wages till the date of this compromise.

2. That the Workman must report for duties within a week from this date.

3. That the parties will bear their own respective costs of this proceeding.

It is, therefore, humbly prayed that an award may kindly be passed on the terms aforesaid.

And for this your petitioners, as in duty bound, shall pray.

For Employers,
B. L. AGARWALLA,
Agent and Constituted Attorney.

S. DAS GUPTA, Secretary,
Colliery Mazdoor Sangh,

S. S. MUKHERJEE, Advocate.
Sd./- G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.
[No. 2/200/59-L.R.II.]

S.O. 1767.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kendwadhi Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 17 OF 1960

PARTIES:

Employers in relation to the Kendwadhi colliery,

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Government Industrial Tribunal,
Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, Advocate, for the employers.

Shri D. Narsingh, Advocate, with Shri S. Das Gupta, Secretary, and Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh, for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 28th June 1960

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. 1/24/60-II-LRII dated the 25th March, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 47) referred for adjudication to the Central Government Industrial Tribunal, Dhanbad, presided over by me, the aforesaid industrial dispute as contained in the schedule to the said order of reference:—

"(1) Whether the management was justified in not including the wages earned by the workmen for the four paid festival holidays during the quarter ending December, 1959, for the purposes of calculating the bonus for the said quarters?

If not, to what relief are the workmen entitled?

(2) Whether the management was justified in discontinuing the practice of deducting from the underground allowance of the workmen towards their provident fund contribution and also not making their (the management's) contribution on this account? If not, to what relief are the workmen entitled?"

2. Issue No. 2.—I take up this issue No. 2 first because it is not pressed and contested. The employer by a petition dated 13th June, 1960, has stated before me that in view of the letter No. CPF. 12(18)/1045 dated the 9th April, 1960, of the Coal Mines Provident Fund Commissioner and in view of Section 27(2)A of the Provident Fund Scheme, the employer concedes the demand of issue No. 2 of the reference. I accept this because the decision of the Provident Fund Commissioner is final in this matter. The letter of the Provident Fund Commissioner on this point is marked Exhibit-A in the present case. So this issue is disposed of as conceded by the management.

3. Issue No. 1.—The point mooted in this issue is whether the wages earned by the workmen for the four paid festival holidays during the quarter ending December, 1959, should be included in the computation of bonus for the said quarter. It is not disputed that there are four paid festival holidays during the last quarter of 1959. According to the management the wages for the 4 paid festival holidays should not be included in view of Section 7(2) of the Coal Mines Bonus Scheme as per notification of the Ministry of Labour, Government of India dated 3rd July, 1948. In that section it is said that the amount of bonus payable to an employee in respect of any quarter after 30th June, 1948 ... shall be one-third of the basic earning of the employee for work done in that period or quarter in the coal mine where he qualified for bonus. So it is contended by the management that as no work is done on festival holidays, the earning on such days must be necessarily excluded. But this argument is hardly acceptable. If I turn to the definition of "basic earning" under Section 2(a)(a) I get that it represents the total cash emoluments whether earned while on duty or while on leave with pay but excludes allowances etc. So basic earnings never stand for earnings only in respect of work done. It may be earned in respect of paid leave also. So simply because no work is done on festival holidays, the earning on such days is not liable to be excluded from the reckoning of bonus.

4. Next, it is contended by the management that festival holiday is not synonymous with paid leave because leave has to be specifically asked for and granted. In the case of festival holidays no such prayer nor sanction is required. This is also not acceptable because in Section 6 of the Scheme where allowance is provided for, I get that the days of idleness caused by an illegal lock-out or even days of absence from work on account of compulsory attendance in a court of law shall count as days of attendance. Such days of idleness are not sanctioned by the employer. Besides, leave does not differ essentially from holidays. Holiday may be called forced leave. So basic earning can very well be earned even for festival holidays, though no work is actually done.

5. Next, it is argued by the management that in Section 7 not only basic earning has been mentioned, but it has been made with reference to *work done* in that period in the coal mine concerned. If 'work' had no meaning, then why was it mentioned at all? No word in the Statute can be treated as redundant or unmeaning. That is true. But in Section 3—exceptions—I get that an employee in a coal mine is employed for lots of work which do not directly pertain to a mine. For instance, it is mentioned that he may be employed as a mali, sweeper, or a domestic servant on personal work. He may be employed also as a contractor's labour for building, brick making etc. in a coal mine. But here in Section 7(2) of the Scheme, the work has been mentioned to exclude such extraneous work. That cannot qualify one for bonus. Basic earnings have been confined to the work of a miner in the mine in question during the quarter in question. That may be the object why this 'work' has been mentioned. Besides, it might have been mentioned just to show that if no work in the mine during the quarter is done by the miner then he cannot have any eligibility for bonus. He may have earned other remuneration or allowances but one-third of that can never be given as the amount of bonus. So the mention of the word 'work' is not redundant or superfluous in section 7(2) of the Bonus Scheme.

6. Lastly, the management argues that this Tribunal has no jurisdiction to go into this question because there is a specific provision in the Statute relating to this matter. The jurisdiction of the Industrial Tribunal to adjudicate cannot be extended to a matter on which there is a specific statutory provision. The learned advocate on behalf of the union argues that such a contention is idle. He enumerates that where the wages have been determined under the Minimum wages Act, the Tribunal finds no difficulty in deciding about wages. In case of leave where there is a provision of Factories Act, the Tribunal grants freely additional leave etc. The learned Advocate on behalf of the management refers to the case of National Carbon and Co. Ltd. Vs. its workmen decided by Shri A. Das Gupta. (See 1952 Vol. II, L.L.J., p. 503). Shri A. Das Gupta refrained from deciding the matter about the wearing of gloves in the factory because there was a statutory provision of the Factories Act bearing on it. I must point out that certain amount of misconception has been conceived on this point. The Industrial Tribunal while deciding about the wages does not transgress the provision of wages made by the Minimum Wages Act authorities. What it decides is 'fair wages' or 'living wage'. It is considerably different from the 'minimum wage.' In the matter of leave the Tribunal grants other kind of leave but never interferes with the statutory leave provided under the Factories Act. So there is no conflict. I concur with Shri A. Das Gupta's finding that the Industrial Tribunal must refrain from adjudicating on points covered by the statute. The reason is obvious. If there is a statutory provision it is binding on everybody. There is a duty cast on everybody to obey the said provision. Under the award of the Industrial Tribunal the parties to the dispute are bound under the provisions of the award. So the award casts a similar obligation on the parties for implicit compliance. Now if the Industrial Tribunal and the statute cast contrary obligation on the parties, which should one follow? Such a situation or contingency can never be contemplated in law. So there can be no reference to an Industrial Tribunal to adjudicate on a matter which is specifically covered by the Statute. Next in this case, what would be the position? Should I find that the present Tribunal has no jurisdiction to adjudicate upon the provision of Section 7(2) of the Bonus Scheme or should I find that it has jurisdiction on the basis of the reference made to it? Certainly a reference cannot confer a jurisdiction if that jurisdiction is fundamentally wanting. But here I find that there is a mistake of fact. Here the present Tribunal has not been asked to adjudicate whether the quantum of bonus should be one-third of the basic earnings or that it should be more or less than what is provided under Section 7(2) of the Coal Mines Bonus Scheme aforesaid. If it had been so asked by the reference, then the reference would be bad. But here the Tribunal has been asked to resolve a dispute which has arisen because of some misunderstanding about a provision of a statute. It is upto this Tribunal to ascertain what should be the proper interpretation and whether in view of the correct interpretation the present dispute will resolve. The statutory provision is not thereby transgressed or interfered with. The obligation if there is any is implicit in the section itself. The Tribunal does not touch it in any way. It merely interprets it. It is upto everybody and certainly to a Tribunal to give its interpretation about any statutory provision when that is called for. So in that view of the matter the learned Advocate of the management was in error when it imagined that there was a conflict of exercise of jurisdiction between the Statute and the present Industrial Tribunal. If there is any conflict that must have been only an apparent conflict and never a real one. So in that view of the matter I hold that the reference in question is in order and this

Tribunal has jurisdiction to adjudicate upon the dispute arising out of an interpretation of Section 7(2) of the Coal Mines Bonus Scheme. So the contention on this score of the management falls through.

The learned Advocate of the union argues that the earnings on festival holidays have been included in the computation of bonus in all the collieries around. Even Messrs. Macneill and Barry Limited who were the previous managing agents of this colliery also allowed such inclusion. The present management also allowed it in a sister colliery. By an agreement the present management has undertaken to abide by the existing privileges at the time of Messrs. Macneill and Barry Limited. So the learned Advocate of the union contends that this practice must be binding on the present management and such earnings on festival holidays should be included in the bonus computation. But I am afraid I cannot accept *in toto* this argument of the learned advocate. If any practice or custom has grown up which runs counter to any statutory provision and if that Statute does not have any saving clause with regard to such customary obligation, then the said custom must be taken to have been abrogated by the Statute. Law over-rides custom unless that custom has the force of law. Simply because Messrs. Macneill and Barry Limited allowed such computation, it cannot go far enough. Because the point is whether the said company was also liable to include such earning in the said computation of bonus. If the present management granted such inclusion in respect of a sister colliery which it says it did under pressure, I must say that will also not go enough to over-ride the contrary provision of the Statute, so whatever may be the practice, that cannot out-weigh the obligation arising under the Statute. So this argument about the over-riding force of the practice obtaining in other collieries as urged by the union cannot be accepted.

8. Having regard to all these facts and circumstances, I find that the management was not justified in excluding the wages earned by the workmen for the four paid festival holidays during the quarter ending December, 1959, for the purpose of calculating the bonus for the said quarters. As regards relief I must say that the said reckoning of bonus of the quarter ending December, 1959, should be revised and the workmen should be paid that balance of any increase in the amount of bonus for the said quarter, as the result of my above finding.

(Sd.) G. PALIT, Chairman,

Central Government Industrial Tribunal, Dhanbad.

DHANBAD;

The 28th June, 1960.

[No. 1/24/60-LR.II.1

S.O. 1768.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Hingir Rampur Colliery and their workmen

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.**

REFERENCE No. 70 OF 1958.

(Order No. LR.II-1(89)/58, dated 27th Dec., 1958)

PARTIES:

Employers in relation to the Hingir Rampur Colliery of Hingir Rampur Coal Company Limited, P.O. Brajrajnagar, Orissa.

AND

Their workmen.

REFERENCE No. 26 OF 1959.

(Order No. LR.II-1(89)/58, dated 23rd April, 1959)

PARTIES:

Employers in relation to the Hingir Rampur Colliery of Hingir Rampur Coal Company Limited, P.O. Brajrajnagar, Orissa.

AND

Their workmen.

REFERENCE No. 56 OF 1959.

(Order No. LR. II-1(89)/58, dated 2nd Sept., 1959)

PARTIES:

Employers in relation to the Hingir Rampur Colliery of Hingir Rampur Coal Company Limited, P.O. Brajrajnagar, Orissa.

AND

Their workmen.

REFERENCE No. 14 of 1960.

(Order No. 1/68/59-LR. II, dated 17th March, 1960)

PARTIES:

Employers in relation to the Hingir Rampur Colliery of Hingir Rampur Coal Company Limited.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L.,

Chairman,

Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. M. Singh, Manager, and Shri F. P. Parakh, Labour Adviser, *for the employers.*

Shri D. L. Sen Gupta, Advocate, Shri D. Narsingh, Advocate, with Shri Kantl Mehta, General Secretary, Indian National Mine Workers' Federation, and Shri P. K. Pradan, Secretary, Rampur Colliery Mazdoor Congress, *for the workmen.*

STATE: Orissa.

INDUSTRY: Coal.

Dhanbad, dated the 28th June 1960.

AWARD

These are four references which at the instance of the parties have been taken up for hearing analogously. The parties were the same and so to cut short and also to avoid repetition, the prayer of analogous trial was allowed.

2. I need not go into the facts involved in all those references because the parties have amicably settled these disputes out of court. They filed petitions of compromise bearing on the matter in issue in each case. I have gone through the said petitions of settlement and find them in order. So, I dispose of all those four references, namely, Reference No. 70 of 1958, Reference No. 26 of 1959, Reference No. 56 of 1959 and Reference No. 14 of 1960. This petition of compromise is made part of my present award. This order will govern all the aforesaid four references tried analogously.

G. PALIT, Chairman.
Industrial Tribunal.

**BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT DHANBAD.**

REFERENCE No. 70 of 1958.

REFERENCE No. 26 of 1959.

REFERENCE No. 56 of 1959.

REFERENCE No. 14 of 1960.

BETWEEN

The employers in relation to the Hingir-Rampur Colliery of Messrs. The Hingir-Rampur Coal Co. Ltd.

AND

Their workmen.

May it please the Hon'ble Tribunal:—

The parties above named have come to an amicable overall settlement in all the above matters and the matters may, therefore, be disposed of accordingly.

The company will reinstate the workmen named in Annexure A within a period of one month from this date. They will not be entitled to any back wages but there will not be a break in their service and the period from 15th June, 1957 to the date of reinstatement will be taken as condoned absence.

The company will make an *ex gratia* payment of Rs. 10,000/- (ten thousand) within a period of two months from the date hereof, to the Indian National Mine Workers' Federation to be disbursed by them to workmen as they may deem fit.

The company will pay to the following workmen an amount equivalent to retrenchment compensation within one month from the date hereof being treated as retrenched as on 15th June, 1957 with all benefits under Sec. 25F of the I.D. Act, 1947, except re-employment:

Sj. J. N. Tripathi,
Sj. Shankar Ganda,
Sj. Khetramohan Jethi,
Sj. Malech Kurmi,
Sj. Laikhan Meher.

The workers named in any of the above reference but whose case is not covered in this agreement as stated herein may be taken in employ at the discretion of the Management as and when the occasion arises. Any dues for the actual service of such workman, if not already paid, shall be settled up by the Management within three months from date.

The parties will bear their own costs.

For the Workmen.
(Sd.) KANTI MEHTA,
General Secretary,
Indian National Mine Workers' Federation.

For the Employers.
(Sd.) F. P. PARAKH,
Labour Adviser.

(Sd.) P. K. PRADHAN,
Secretary,
Rampur Colliery Mazdoor Congress.
The 27th June, 1960.

(Sd.) S. M. SINGH,
Manager.

Signer and presented before me.

(Sd.) G. PALIT,
Chairman, Industrial Tribunal,
Dhanbad.

ANNEXURE A

Sr. No. Name

1. Puran Gond
2. Bandhu Ganda
3. Kartick Gowala
4. Katak Bhaina
5. Nata Khadia
6. Bulchu Kalhar
7. Swarna Gonda
8. Debarchand Ganda
9. Kunjram Bhaina
10. Senadas Panka
11. Kumar Khadia
12. Sidhakar Syce
13. Jogeshwar Satnami
14. Thalu Ganda
15. Ra'an Gond
16. Hirau Satnami
17. Nityanand Tanty
18. Shvam Sundar Syce
19. Chirka Bhaina
20. Mansaj Gonda
21. Bairagi Gonda
22. Sundar Dhobi

Sr. No.	Name
23.	Ram Nandan Kairi
24.	Pudgu Bhaina
25.	Jagar Singh
26.	Gabru Dhobi
27.	Ichha Raut
28.	Rathram Gond
29.	Brijlal Gonda
30.	Khedu Gonda
31.	Indraman Syce
32.	Kartik Rout
33.	Sukritdas Panika
34.	Amardas Panika
35.	Bhadu Kurmi
36.	Dhanau Panika
37.	Dirjo Ganda
38.	Bande Dhimra
39.	Durjan Ganda
40.	Bundhram Bhaina
41.	Jaideo Ganda
42.	Ramkrishna Ganda
43.	Puhiram Teli
44.	Thulu Kurmi
45.	Narayan Gonda
46.	Anam Gond
47.	Bhika Ganda
48.	Brindaban Ganda
49.	Loknath Binjhal
50.	Murari Patra
51.	Meenashi Jenna
52.	Ashru Ranjan Mishra
53.	Kunjabeher Pradhan
54.	Butu Ganda
55.	Mehatar Lohar
56.	Dasarathi Keut
57.	Sridhar Keut
58.	Sukhdeodas Panika
59.	Satya Ganda
60.	Samaru Ganda
61.	Kaloo Syce
62.	Sohansai Dhobi
63.	Maheshram Syce
64.	Sukhlal Dhobi
65.	Sonadas Panika
66.	Bardul Kurmi
67.	Pvrelal Kurmi
68.	Abdul Mia
69.	Rabin Chandra Patnaik
70.	Prem Singh
71.	Sidhar Singh Gond

[No. 1/68/59-LR.II.]

S.O. 1769.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the East Bastacolla Colliery, P.O. Dhansar, District Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD.

REFERENCE No. 21 OF 1960.

PARTIES:

Employers in relation to the East Bastacolla Colliery, P.O. Dhansar, Dt. Dhanbad.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman, Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjee, Advocate, *for the employers.*

Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, *for the workmen.*

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 27th June 1960

AWARD

The Government of India, Ministry of Labour and Employment, by its Order No. 2/58/60-LR.II, dated 4th May, 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47) referred the aforesaid industrial dispute to the Central Government Industrial Tribunal at Dhanbad presided over by me for adjudication. The matter referred to for adjudication stands as per the following schedule:—

SCHEDULE

"Whether the action of the management of East Bastacolla Colliery, Post Office Dhansar, in not allowing Sarvashri Ram Prasad, Suku and Ram Dullar Yadav to resume work after the restart of the colliery on 24th August, 1959, on the withdrawal of the strike is justified?

If not, to what relief are they entitled?"

2. In this reference, I do not think it worthwhile to go into the facts involved in the dispute because the parties have reached a settlement out of court and have filed a petition of compromise in this case. I have gone through the terms of the said compromise and find them acceptable. Accordingly, I pass my award in terms of the said petition of compromise as per Appendix 'A' and dispose of this reference.

(Sd.) G. PALIT,

*Chairman, Central Govt. Industrial Tribunal,
Dhanbad.*

DHANBAD;

The 27th June 1960.

APPENDIX "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 21 of 1960

Employers in Relation to East Bastacolla Colliery

AND

Their Workmen.

The above-named parties,

Most respectfully state:—

That without prejudice to the contention of the parties the above reference has been amicably settled between the Parties on the following:—

Terms

1. That Sarvashri Ram Prasad, Suku and Ram Dullar Yadav the Workmen concerned in the reference will be re-instated in service on their reporting for the same with half back wages calculated till the date of this compromise petition.

2. That the above workmen must report for duties within a week from this date.

3. That the parties will bear their own respective cost of this proceeding.

It is, therefore, humbly prayed that an Award may kindly be passed on the terms aforesaid.

And for this your petitioners, as in duty bound shall pray.

For Workmen

S. DAS GUPTA,
Secretary,
Colliery Mazdoor Sangh.

For Employers

B. L. AGARWALLA,
Agent & Constituted Attorney.

S. S. MUKHERJEE,
Advocate.

[No. 2/58/60-LR.II.]

S.O. 1770.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the East Bastacolla Colliery, P.O. Dhansar, District Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 12 OF 1960

PARTIES:

Employers in relation to the East Bastacolla Colliery P.O. Dhansar, Dt. Dhanbad

AND

Their workmen

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Govt. Industrial Tribunal,
Dhanbad.

APPEARANCES:

Shri S. S. Mukherjea, Advocate,—*for the employers.*

Shri S. Das Gupta, Secretary, Collicry Mazdoor Sangh,—*for the workmen.*

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 27th June 1960

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. 2/226/59-LRII, dated the 15th February 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) referred the foresaid industrial dispute to the Central Govt. Industrial Tribunal at Dhanbad presided over by me for adjudication. The matter referred to for adjudication stands as per the following schedule:—

SCHEDULE

"Whether the management of the East Bastacolla Colliery, Post Office Dhansar, District Dhanbad, was justified in dismissing the undermentioned workmen.

- (i) Shri Bulai Kewat, Miner.
- (ii) Shri Baijnath Mahto, Trammer.
- (iii) Shri Jagannath Mahto, Trammer.

If not, to what relief they are entitled and from what date?"

2. In this reference I do not think it worthwhile to go into the facts involved in the dispute because the parties have reached a settlement out of court and have filed a petition of compromise in this case. I have gone through the terms of the said compromise and find them acceptable. Accordingly I pass my award in terms of the said petition of compromise as per Appendix 'A' and dispose of this reference.

(Sd.) G. PALIT,
Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

Dhanbad,
The 27th June, 1960.

APPENDIX "A"

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 12 OF 1960

Employers in relation to East Bastacolla Colliery

AND

Their Workmen

The above-named parties

Most respectfully state:—

That without prejudice to the contention of the parties, the above Reference has been amicably settled between the parties on the following:—

Terms

1. That Shri Balai Kewat will be re-instated in service on his reporting for the same with half back wages calculated till the date of this compromise.
 2. That Sri Jagannath Mahato will be re-instated in service on his reporting for the same without any back wages or compensation.
 3. That Sarvashri Balai Kewat and Jagannath Mahato must report for duties within a week from this date.
 4. That the Union will not press for re-instatement of Sri Baijnath Mahato. It is, however left to the discretion of the Employer to treat the case of Shri Baijnath Mahato at Par with other retrenched employees.
 5. That the parties will bear their own respective cost of this Proceeding.
- It is, therefore, humbly prayed that an Award may kindly be passed on the terms aforesaid.

And for this your petitioners, as in duty bound, shall pray.

For Workmen,

S. DAS GUPTA,

Secretary, Colliery Mazdoor Sangh.

For Employer,

B. L. AGARWALLA,

Agent & Constituted Attorney.

S. S. MKHERJEE, Advocate.

[No. 2/226/59-LR. II.]

S.O. 1771.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Loyabad Colliery workshop and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 20 OF 1960.

PARTIES:

Employers in relation to Loyabad colliery

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri J. L. Sinha, Group Personnel Officer, *for the employers.*

Shri B. N. Sharma, Member, Central Executive Committee, Colliery Mazdoor Sangh, *for the workmen.*

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 29th June 1960

AWARD

The Government of India Ministry of Labour & Employment, by Order No. 2/202/59-LR.II, dated the 14th April 1960 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes

Act 1947 (XIV of 47) referred the above industrial dispute to the Central Government Industrial Tribunal, Dhanbad, presided over by me for adjudication concerning the matters as per schedule below:—

"Whether the termination of service of Shri Lal Behari Dubey, a truck driver of Loyabad colliery workshop, Post Office, Bansjora, with compensation as offered was justified? If not, to what relief is he entitled and from what date?"

1. The case of the workman as contained in his statement before the Conciliation Officer (Central) Dhanbad—I forwarded to the Chief Labour Commissioner, New Delhi, I get that his service had been terminated by the Manager of the Loyabad colliery workshop by his letter No. 16/G/1331 dated the 17th August 1959 with immediate effect. Shri Lal Behari Dubey was offered one week's wages in lieu of notice not in accordance with section 25F(b) of the Industrial Disputes Act 1947. In this way the relevant provision of the Industrial Disputes Act 1947 is said to have been contravened. The reason that was set forth for such discharge was given out to be that the Manager had lost confidence in his ability to drive the company's vehicle safely, because he had caused the accident on 14th June, 1959 by his faulty driving of the company's truck. This has resulted in considerable damage. He was given a charge sheet on 15th June, 1959. Shri Dubey denied the allegation. He stated in reply that the accident of the truck was caused by another unknown truck coming from behind and dashing against his truck which was loaded. His steering went out of control. His truck broke into the compound wall of a road side bungalow and the truck was damaged as a result of the impact. The company held an enquiry on the basis of the charge sheet and found Shri Dubey guilty of negligence. The management, however, did not dismiss him but retrenched him as stated above.

2. The union contends that Shri Lal Behari Dubey functioned in the Company's service for the last 20 years without any blemish. It further, contends that the police also held an enquiry into the charge of rash and negligent driving but ultimately found that he was not guilty of it. The case was also looked into by the Motor Vehicles Authority who did not hold him responsible for the accident. In such circumstances the workman claims reinstatement.

The management contends that the dispute is an individual dispute. As such this Tribunal has no jurisdiction, the dispute not being an industrial dispute. The driver was given a charge sheet on 15th June, 1959 in which several charges were levelled against him. In the departmental enquiry, three out of the four of these charges were dropped. He was however found guilty of negligent driving and was discharged because he has forfeited the confidence of the management.

3. The point before me is pretty simple. The Tribunal has got to see whether the accident was caused as a result of negligent driving on the part of this driver Shri Lal Behari Dubey. For that it has got to look into his version of the accident, that is whether another truck collided with this truck in question as a result of which the driver Dubey lost control of his truck and broke into the wall of a bungalow on the road side. In the enquiry report I get that in view of the statement of the Manager, the opinion of the Bharat Motors and the report of the Motor Vehicle Inspector, the enquiring officer Shri Rao was of opinion that the explanation given in the accused's reply to the charge sheet was not true. If I turn to the statement of the Manager Shri M. Ali as per annexure 'B' to the company's written statement, I get that he referred the matter to the management of the Bharat Motors just to verify whether the damage was caused by any other vehicle hitting this truck at the back or on the sides. The said Bharat Motors informed him on 21st July, 1959 that there was no sign of impact on the left side or on the right side from the centre of the body to the back or on the walls. They also said that there were no signs of impact by any truck in any part of the back. By this they were of opinion that the truck was not hit at the back or on the sides. The Manager also received the report of the Motor Vehicles Inspector which did not mention any damage in the back portion of the truck or the sides. He accepted those two reports and was of opinion that the truck was not hit by any other truck as stated by Shri Dubey. He inspected the place of the accident and found the wall and the pillar of the bungalow broken and that the truck had broken into the wall. So it appears that the whole enquiry report was based on the fact whether any other truck hit the truck in question from the back or on the sides as given out by the driver. As no sign of impact was found on the truck in question, the Manager ruled out the story of this truck in question being hit by any other truck. During the hearing before me much was sought to be made of the fact that the driver has

now changed the story and alleges that the other truck coming from the opposite direction had hit it on the sides. In the spot enquiry also the driver said that the other truck came from the opposite direction and brushed past it with the result that the driver lost control of the steering and swerved and hit the wall of the bungalow on the road side. But this discrepancy of the story of the collision though significant is never decisive. The other truck may have come from the back or from the opposite direction. The point is whether there was any such collision. As the Bharat Motors and the Motor Vehicle Department did not find signs of such impact on the body of the truck in question, the management ruled out the story of this truck being hit by another truck. I am not much impressed by this method of enquiry. The report of the Bharat Motor works was not given by an expert and even if I assume that it was so given, that expert was not brought before the Tribunal for his testimony being subjected to cross-examination. It does not necessarily follow that if one truck hits another loaded truck, there must necessarily be signs of impact. Without signs of impact there may be such momentum caused which may put the driver out of control of a loaded truck. So the mere absence of signs of impact on the sides of the truck in question can never be conclusive. I get in evidence which is not disputed that there were at least 10 men in the truck in question besides the driver and the cleaner. In Exhibit-A I get that there were three men of the Loyabad Colliery Workshop who were regular employees of the company and several loaders who were casual labour, may be of the contractor. So it is idle for the management to contend that it did not examine any of these persons because they would side the driver. The management has more control over its employees than the driver has over them. Besides, I get in evidence that some of these people were injured. They would have no soft corner for the driver. So the management if it really was anxious to get at the truth could have examined some of these persons just to find out whether really or as a matter of fact, another truck did hit this truck in question as contended by the driver. The management refrained from doing so in the enquiry for reasons best known to it. It does not examine any of them also before me. In the enquiry the driver examined as many as 8 witnesses. None of them have said that there was no collision with another truck. Rather they had all referred to the collision. The only discrepant evidence is in the fact that the other truck is said to have come from behind while it is now being contended that it came from the opposite direction. But then we should remember that it was past ten at night and at the time of collision, everybody becomes more or less nervous. The uttermost thing in their mind is their personal safety. So the direction from which the other vehicle came may not be noticed. The broad point is that this truck in question was hit by another truck. They have also stated that this truck was moving very slowly. The lights were on. The management does not even allege that the driver was tipsy. So where is the fault of the driver? The management tried to fasten blame on the driver by saying that he loaded his truck with so much materials without permission of the authorities. But in the enquiry that charge has fallen through. It appears that conveyor materials were piled up in the truck in question under the company's orders. This was the third trip which this driver was undertaking. It was 10-30 at night. He avoided the alternative route because it was bad. So where is his negligence? Besides, there is another significant fact that if there was a collision with another truck as has been established by the above almost *ex-parte* evidence, then why did the other truck run away unless it was at fault. If I turn to the report of the Motor Vehicle Authorities I find that it opines that the damage was caused by impact with hard substance and it had dashed against a compound wall of a house. There is nothing in the said report that there was negligent or rash driving. The question of collision with another truck was not ruled out. Then if I turn to the last page of Exhibit-1, I get from the report of the A.S.I. Kendua Police Station that the M.V.I. gave the opinion that the accident took place due to collision. The truck in question was not defective. On 24th June, 1959 the Inspector of Police gave the report that the truck coming from the opposite side came to the right side of this truck. The other truck was wrongly driven. The driver of the other truck was responsible for the accident. So he instructed that the enquiry should be filed as it was a case of mistake of facts. After that the Superintendent of Police ordered the A.S.I. Kendua P.O. on 6th July, 1959 to submit a final report and to close the investigation because it was a mistake of facts. Then in the final report under Section 173 of the Criminal Procedure Code, I found that it was submitted to the S.D.O. that it was a mistake of fact. Now against this preponderance of opinion on the part of this investigation authorities, can it lie with the management just to say that because the report of the Bharat Works did not find any marks of impact on the truck in question, the story of accident should at once be ruled out? To put it parenthetically what the management has done in this case is tantamount to putting the accused to prove his innocence. It has shifted the entire burden of proof on the accused.

But the accused having much evidence in his favour, can be fairly said to have discharged that onus. The management did not even examine any of the eye witnesses within its reach, as if no duty was cast upon it in the enquiry. The so called enquiry held by the management was perfunctory and I must say, absolutely misleading. I am satisfied on the evidence on record that there was a collision with another truck on the night in question. The driver Lal Behari Dubey was not at fault. He had a loaded truck. He took every precaution. He was driving his truck slowly. The impact made him lose control of his steering consequent of which his truck swerved and broke into the wall of the bungalow. The truck sustained the damage due to the subsequent impact with the wall. Of course, the management might have been annoyed with the driver because the accident had resulted in considerable pecuniary loss to it, because the truck in question was heavily damaged. But unless the driver could be found negligent, the blame cannot be laid entirely at his door. An accident after all, is an accident over which nobody has any control. It is not even alleged, far less proved that the driver Dubey was either drunk or was unmindful or was driving rash. He might have been tired because he had to undertake three trips in a single day and the last one at a late hour in the evening. That is not his fault. He has a good record of service of over 20 years without any blemish. So the company is not justified in saying that it has lost confidence in this driver and that he cannot be entrusted safely with any truck, only with an eye to this accident.

4. So the discharge of the driver in the circumstances with compensation is not justified. Regarding the relief even if he was discharged relief should have been given not under the standing orders but under the Industrial Disputes Act 1947. The latter supersedes the former, regarding this matter of compensation. But as it is I find that the driver should be reinstated in his previous post within a month from the time this award becomes operative in law. As regards compensation as this driver also had some contribution in the matter of his being discharged as a result of the accident and as he did not render any actual service during the period following his retrenchment, and as also the action of the employer was not mala fide, I grant him his quarter monthly wages for the period from the date of his discharge i.e., 17th July 1959 upto the date of his reinstatement less any amount already drawn on this score in a lump sum to be payable within one month of the award becoming enforceable. The contention about the want of jurisdiction of this Tribunal on the point of dispute being an individual one is not pressed. As a matter of fact this contention has no substance, as the union had espoused his cause since before the reference. So it is ruled out.

(Sd.) G. PALIT, Chairman,

DHANBAD,

The 29th June, 1960.

Central Govt. Industrial Tribunal, Dhanbad.

[No. 2/202/59-LR.II].

ORDERS

New Delhi, the 6th July 1960

S.O. 1772.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the D.V.C. Bermo Colliery of Hind Strip Mining Corporation and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of Sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the termination of the services of Sarvashree Jogindra Singh and A. R. Khan, shovel operators of Hind Strip Mining Corporation, Bermo, was justified?
- (2) If not, what relief they are entitled to?

[No. 2/181/59-LR-II.]

S.O. 1773.—Whereas the Central Government is of opinion that an industrial dispute exists or is apprehended between the employers in relation to the Religara Colliery, P.O. Argada and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Having regard to the nature of duties performed by the Register Keepers and the Attendance Clerks of Religara Colliery, whether the demand of the Register Keepers who are in Grade III at present, to be placed in Grade II is justified and if so, from what date should they be so placed?

[No. 2/88/60-LR-II.]

S. N. TULSIANI, Under Secy.

New Delhi, the 7th July 1960

S.O. 1774.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, framed under section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri B. Sarma, Deputy Labour Commissioner-cum-Chief Inspector of Plantation, Assam, as Regional Provident Fund Commissioner for the whole of the State of Assam vice Shri H. P. Duara. Shri B. Sarma shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. 31(750)60-PFI.]

S.O. 1775.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri B. Sarma, Deputy Labour Commissioner-cum-Chief Inspector of Plantation, Assam, to be an Inspector for the whole of the State of Assam for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry vice Shri H. P. Duara.

[No. 31(750)60-PFI.]

New Delhi, the 11th July 1960

S.O. 1776.—In pursuance of clause (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri A. S. Nag, Deputy Secretary to the Government of West Bengal, Labour Department, as a member of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri K. C. Chakraborty, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278, dated the 20th June, 1953, namely:—

In the said notification, for entry (2), the following entry shall be substituted, namely:—

“(2) Shri A. S. Nag, Deputy Secretary to the Government of West Bengal, Labour Department, Calcutta.”

[No. 10(5)/60-PF.II.]

S.O. 1777.—In exercise of the powers conferred by section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the

following amendments to the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1258 dated the 10th April, 1957, namely:—

In the Schedule to the said notification—

(1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;

(2) after item 7, the following shall be inserted, namely:—

"7A. Maharashtra".

[No. 11/22/60-PF.II.]

S.O. 1778.—In exercise of the powers conferred by section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments to the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1257 dated the 10th April, 1957, namely:—

In the Schedule to the said notification—

(1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;

(2) after item 7, the following shall be inserted, namely:—

"7A. Maharashtra".

[No. 11/22/60-PF.II(i).]

S.O. 1779.—In exercise of the powers conferred by section of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments to the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1259 dated the 10th April, 1957, namely:—

In the Schedule to the said notification—

(1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;

(2) after item 7, the following shall be inserted, namely:—

"7A. Maharashtra".

[No. 11/22/60-PF.II(iii).]

S.O. 1780.—In exercise of the powers conferred by section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 359, dated the 24th March, 1958, namely:—

In the Schedule to the said notification—

(1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;

(2) after item 7, the following shall be inserted, namely:—

"7A. Maharashtra".

[No. 11/22/60-PF.II(iv).]

S.O. 1781.—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1235 dated the 20th June, 1958, namely:—

In the Schedule to the said notification—

(1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;

(2) after item 7, the following shall be inserted, namely:—

"7A. Maharashtra".

[No. 11/22/60-PF.II(v).]

S.O. 1782.—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1236 dated the 20th June, 1958, namely:—

In the Schedule to the said notification—

- (1) for the entry "Bombay" against item 4, the entry "Gujarat" shall be substituted;
- (2) after item 7, the following shall be inserted, namely:—
"7A. Maharashtra".

[No. 11/22/60-PF.II(vi).]

P. D. GAIHA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th July 1960

S.O. 1783.—In exercise of the powers conferred by sub-rule (3) of rule 3 of the Cinematograph (Censorship) Rules, 1958 read with sub-rule (3) of rule 9 of the said Rules, the Central Government hereby re-appoints the following persons as members of the Advisory Panel of the Central Board of Film Censors at Calcutta with immediate effect. Their previous terms expired on 14th March, 1960.

1. Smt. Tara Sirkar.
2. Shri Dinanath Sarma.

[No. 11/3/59-FC.]

S. PADMANABHAN, Under Secy.

